


*The
Commissioners'
Manual
for
Boards,
Commissions
& Committees*

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THE CITY OF BERKELEY COMMISSIONERS' MANUAL

**Background Information
Rules and Procedures**

Adopted by the Berkeley City Council

**Resolution No. 56,698 -N.S.
September 29, 1992**

Effective November 1, 1992

MESSAGE FROM THE CITY CLERK:

Members of boards and commissions provide an invaluable service to our City. They advise the City Council on a wide variety of subjects by making recommendations on important policy matters. Over the years, the services and programs provided by the City have expanded. Without the assistance of the various boards and commissions, the City Council could give many complex and significant matters only a perfunctory review. The detailed studies and considered advice of boards and commissions are often catalysts for innovative programs and improved services.

Serving on a board or commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. If we are to have government "of the people, by the people and for the people," we must have the continued participation of the many dedicated board and commission members. Making local government effective and responsive is everybody's responsibility.

On behalf of the City Council, I wish to thank each board and commission for their service and extend an invitation to all residents of the City to give serious consideration to serving on a citizens' advisory body.

SHERRY M. KELLY
City Clerk

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CHAPTER I

INTRODUCTION

A. CITIZEN PARTICIPATION

Berkeley's system of boards and commissions provides a way for residents who have special experience or interests to participate in the City's decision making process by advising the City Council on numerous issues.

The governmental decision-making process has other citizen participation mechanisms, such as speaking at public hearings, speaking before the City Council and its subcommittees, participating in neighborhood based organizations, petitioning and letter writing.

The City's Master Plan Citizen Participation Element stresses not only the right and duty of citizens to participate in planning for their future, but also the City's responsibility to provide commissioners with the tools to carry out their charge. That responsibility includes orientation sessions for commissioners, skills training and useful written procedures. This handbook attempts to fulfill the latter requirement.

The board and commission system provides the opportunity to interact creatively with people of all ages, interests and backgrounds. Democracy can be realized when citizens are able to come together across neighborhood and economic lines to assist in making the community decisions that will shape all of their lives.

The City of Berkeley enjoys a wide variety of Council-appointed citizen boards, commissions and committees which advise the Council on numerous issues. As citizen participation has evolved into a vital and integral part of local government, the number of commissions* has steadily grown so that there are now over forty such bodies functioning within the City of Berkeley, not counting the Board of Education or the Rent Stabilization Board, both of which are separately elected and independent of the City Council and which are not within the purview of this Manual.

* Throughout this Manual, the word "commission" will be used to denote all boards, commissions and committees.

B. COMMISSION ORIGINS

Commissions originate from four different sources: the Charter, Council action, vote of the people, and federal or state mandate. In a few instances, the Council appoints citizens to represent Berkeley on regional committees.

- Charter

The present Charter, first adopted in 1909, initially authorized a Personnel Board, a Civic Arts Commission, a Welfare Commission, and a Board of Library Trustees. References to specific commissions, except for the Board of Library Trustees and the Personnel Board, were deleted from the Charter in 1974.

- Council Ordinance, Resolution or Motion

Indefinite Tenure

The overwhelming majority of commissions are created to perform defined duties within a sphere of interest for an indefinite period of time by ordinance or resolution. From time to time, the Council, perceiving the need for a new and specialized body, creates a new commission.

Limited Tenure

From time to time the Council establishes a commission or task force for a specific purpose and a limited period of time. An example of this is the Master Plan Review Committee which completed a revised Master Plan and disbanded. The Council may extend the tenure of a commission.

- Federal and State Mandate

Certain commissions are required by federal or state law. In such cases the purposes and duties are specified by federal or state law, and appointments are made either by the City Council or by individual councilmembers in accordance with the Fair Representation Ordinance.

Examples include: Housing Advisory Commission, Community Health Commission, Human Welfare and Community Action Commission, and the Mental Health Advisory Board.

B. COMMISSION ORIGINS (continued)

- Voter Initiative

Two bodies derive authority from ordinances resulting from measures adopted by the voters. These are the Fair Campaign Practices Commission and the Police Review Commission. These two commissions are exempt from attendance rules cited in Chapter II but are bound by rules contained in each of their initiative ordinances, the Conflict of Interest program and procedural rules devised to meet State open meeting standards.

- Miscellaneous

There are several advisory bodies not usually created by the Council to which the Council may appoint only one or two members. The remainder are appointed by other agencies. Usually these advisory bodies are county-wide or regional in nature. Appointees may be Councilmembers, staff members or citizens. This category includes, but is not limited to: the Mosquito Abatement District Board, Two-By-Two Committee (City-School), Alameda County Waste Management Commission, Association of Bay Area Governments, League of California Cities (East Bay Division), and Alameda Transportation Plan Commission. These bodies are not subject to the guidelines in this handbook. Despite the wide variety of sources of authority, all commissions listed above share a common characteristic, which is that some or all members are appointed either by the Mayor subject to confirmation by the Council, by the Council as a whole, or by each individual member.

C. COMMISSION FUNCTIONS

Commission activities are varied but generally fall into four categories. Any particular commission may belong to one or more of the types listed below and all boards belong to the fourth type.

- Quasi-Judicial

Certain commissions have the authority to make binding decisions which require or restrict the action of individuals. For example, the Zoning Adjustments Board grants or denies variances and use permits under the Zoning Ordinance. The Housing Advisory Commission may order a structure in violation of the Housing Code to be repaired or demolished. Aggrieved parties have the right to appeal

C. COMMISSION FUNCTIONS (continued)

- Quasi-Judicial (continued)

to the City Council. Other commissions with quasi-judicial powers are the Fair Campaign Practices Commission, the Landmarks Preservation Commission, and the Planning Commission. In addition, Zoning Ordinance amendments proposed by the Planning Commission have the force of law without immediate Council confirmation and without a right of appeal.

- Administrative

The Board of Library Trustees manages the library and is empowered to appoint, discipline and dismiss Library employees.

- Advisory to the City Manager

The Personnel Board conducts hearings on employee grievances and makes recommendations to the City Manager, who is the only person authorized to hire, discipline or fire employees. Similarly, the Police Review Commission investigates complaints against police officers and advises the City Manager of its findings.

- Advisory to Council

All commissions advise the City Council concerning policies and programs. For example, the Parks and Recreation Commission advises the Council regarding public parks and recreation facilities' needs and programs. The Citizen's Humane Commission makes recommendations to the Council concerning the care, treatment and control of animals. The Planning Commission prepares recommendations to Council on physical/economic development.

CHAPTER II

SERVING ON A BOARD OR COMMISSION

A. MEMBERSHIP

1) Application Procedure

Commission appointments are made in most cases by individual Councilmembers and sometimes by the Council as a whole. Applications may be obtained from the City Clerk's office and should be filled out as completely as possible and returned to the City Clerk. The City Clerk will forward the applications to each member of the City Council. Councilmembers will call applicants in whom they are interested to discuss appointment or other participation opportunities.

The criteria for appointment are Berkeley residency and non-involvement in City contracts which are influenced by the board or commission to which appointment is sought. In addition, certain commissions may require specific experience such as the Berkeley Mental Health Advisory Board which requires a certain number of providers or consumers of mental health services.

2) Appointments

By Ordinance No. 4803-N.S., commission members appointed by the Council or by individual Councilmembers must be residents of the City of Berkeley except where specifically exempted by other ordinances. Ordinance No. 5518-N.S. stipulates terms not to exceed two years, expiring on the first day of December of every even-numbered year.

Appointments to most commissions are regulated by the Fair Representation Ordinance No. 4780-N.S., a voter initiative adopted in 1975, which requires commissions of nine, or multiples of nine, and which allows each individual Councilmember to make an equal number of appointments. Most commissions created by the Council are governed by the Fair Representation Ordinance.

A list of current commissions follows and exceptions to Ordinances 4803-N.S., 5518-N.S. and 4780-N.S. are noted:

A. MEMBERSHIP (continued)

2) Appointments (continued)

Berkeley Energy Commission
Board of Library Trustees ¹
Cable Television Task Force ²
Citizens Budget Review Commission
Citizens Humane Commission
Citizens Review Task Force for Disaster Planning
City-University Planning Subcommittee ^{2 & 3}
Civic Arts Commission
Commission on Aging
Commission on Disability
Commission on Labor
Commission on the Status of Women
Community Environmental Advisory Commission
Community Health Commission ^{2 & 3}
Design Review Committee ³
Fair Campaign Practices Commission ⁴
Fire Assessment Commission ³
Housing Advisory Commission
Human Welfare and Community Action Commission ⁵
Independent Task Force on Homelessness
Landmarks Preservation Commission
Loan Administration Board ^{2 & 3}
Mental Health Advisory Board ^{1, 2 & 3}
Parks and Recreation Commission
Peace and Justice Commission ⁶
Personnel Board
Planning Commission
Police Review Commission ⁴

¹ Appointed by City Council as a whole; terms expire at times other than December.

² Some or all appointees need not be Berkeley residents.

³ Special membership composition.

⁴ Created by Initiative Ordinance and not subject to certain regulations which generally govern boards and commissions.

⁵ Some members are elected, some are appointed by designated individual members of the City Council.

⁶ Some members are appointed by the Board of Education.

A. **MEMBERSHIP** (continued)

2) **Appointments** (continued)

Public Works Commission ⁷

Public Works and Transportation Commission ⁷

Solid Waste Management Commission

South Berkeley Community Improvement Plan Advisory Committee ⁸

Transportation Commission ⁷

Waterfront Commission

West Berkeley Project Area Commission ⁸

Youth Commission ⁹

Zoning Adjustments Board

3) **Terms of Office**

The terms of appointments of most commissioners shall, regardless of the date of appointment, expire on the first day of December of each even-numbered year. Where the date of death, resignation or recall of a Councilmember occurs prior to the regular expiration date of appointees, the terms of appointees of that Councilmember shall expire on the date of death, resignation or recall of that Councilmember. (BMC Section 2.04.075)

Commission members whose terms have expired may continue to serve of their own volition until they are replaced or reappointed. In such cases, the commissioner retains full voting rights until a new commissioner is appointed. Each vacancy on a commission is to be filled through appointment or reappointment by the Councilmember to whom the vacancy is credited. In the case of newly elected first-time Councilmembers, the appointee of the newly elected Councilmember shall replace the appointee of the Councilmember from the same Council district who was not re-elected, and the appointee of a newly elected Mayor shall replace the appointee of the outgoing Mayor.

Except for the commissions established by initiative, Commissioners shall serve **not more than eight (8) consecutive years** on a commission, notwithstanding interruption of service due to the following:

⁷ Effective 12/1/92, the Public Works Commission and the Transportation Commission will again be combined as one commission and will be known as the Public Works and Transportation Commission.

⁸ Special membership composition.

⁹ Some members are appointed by the Board of Education.

A. MEMBERSHIP (continued)

3) Terms of Office (continued)

- Absence from the commission due to termination pursuant to Berkeley Municipal Code Section 3.02.030;
- Absence from the commission due to any leave(s) of absence pursuant to Berkeley Municipal code Section 3.02.030;
- Absence from the commission due to termination pursuant to the provisions of Resolution No. 51,425-N.S., Conflict of Interest Code, for failure to file the required Statement of Economic Interests, and subsequent re-appointment.

Termination of appointment shall be eight years from the date of the initial appointment.

4) Residency Requirements

As required by Ordinance No. 4803-N.S., members of commissions appointed by the Council or individual Councilmembers, shall be residents of the City unless the member is required by federal or state law or the ordinance establishing the commission to represent a specified organization, agency, group, category or profession. The secretary of the commission shall report to the City Clerk in writing within one week after receiving notification from a member that he/she is no longer a resident of Berkeley. The termination of the commissioner shall expire on the date the fact is received by the City Clerk. If however, a member states they are temporarily moving out of Berkeley and fully intend to reestablish residency in Berkeley within six (6) months, they may continue to serve on the board or commission. At the end of the six (6) months, the secretary shall report to the City Clerk whether the commissioner has reestablished residency in Berkeley. If the Commission has not reestablished residency, automatic termination of membership will occur.

5) Commissions with Special Regulations

Several commissions require special qualifications for appointment and are not regulated by the Fair Representation Ordinance. For example, some appointees to the **Mental Health Advisory Board** and **Community Health Commission** must satisfy occupational requirements of State law. In addition, appointments to the Mental Health Advisory Board are made by the Council as a whole for three-year terms.

A. **MEMBERSHIP** (continued)

5) **Commissions with Special Regulations** (continued)

Other commissions have other terms of appointment, such as the **Police Review Commission** whose ordinance sets terms of two years, and the **Youth Commission** whose ordinance sets terms of one year. The **Fair Campaign Practices Commission** ordinance sets terms the same as the appointing councilmember or Mayor, which in this case results in a four-year term for the Mayor's appointee. If specific rules deviating from the norm concerning appointments and terms exist, these are contained in the ordinance or resolution which establishes the commission.

6) **Attendance Requirements**

Before commissioners can participate as **voting members** of their commissions, they **must** take the Oath of Office as required by law, at the Office of the City Clerk or through their commission secretaries. Failure to take the Oath of Office within 30 days of the date of the appointment letter shall be cause for automatic termination. Secretaries must check with the City Clerk Department prior to the commission meeting to verify that all newly-appointed members have taken the oath.

Commissioners should inform the Secretary in advance if they cannot attend a meeting.

a. **Absence from three (3) consecutive meetings.**

After a member has been absent from two consecutive **regular** meetings, the Secretary advises the member that absence from three (3) consecutive **regular** meetings of the body will result in automatic termination. There is no provision for excused absences. Within one week of the third consecutive absence, the commission Secretary notifies the City Clerk in writing, of the three absences. The appointment expires on the date the fact of the third absence is reported to the City Clerk. Within one week, the City Clerk notifies the commissioner that his/her term has expired and notifies the Councilmember or Council, as appropriate, that a vacancy exists on the commission and that an appointment should be made to fill such vacancy.

A. **MEMBERSHIP** (continued)

6) **Attendance Requirements** (continued)

- b. **Absence from two (2) consecutive meetings for Commissions who meet quarterly.**

Commissions **officially authorized** to meet only 4 times per year¹⁰, shall be exempt from the requirements of 6.a. above. Instead, the secretary shall advise any member who has been absent from one regular meeting, that absence from two (2) consecutive regular meetings of the body will result in automatic termination by the same mechanism described in paragraph 6.a. above. **There is no provision for excused absences.**

- c. **Reporting Commissioner's absence from 50% of all regular meetings.**

The Secretary of each commission shall report the full attendance record of each member to the City Clerk at the **end** of each six-month period¹¹ (June 30 and December 31) on a form available from the City Clerk, as shown in Chapter VI. If a Commission member has been absent from 50% or more of **all regular meetings** held within the reporting period, the Secretary shall note this on the attendance report, and the appointment of the commissioner shall expire on the date the attendance is reported to the City Clerk. Within one week after receiving such attendance report, the City Clerk shall notify any commissioner whose appointment has been terminated and report to the appointing Councilmember, or Council, that a vacancy exists and that an appointment should be made to fill the vacancy.

In order for a member not to be counted absent from 50% or more of all regular meetings, he must have attended **more than half of all regular meetings held during the reporting period.**

- d. **Exemption from Automatic Termination Due to Attendance.**

Because the **Fair Campaign Practices Commission** was created as a result of an initiative ordinance adopted by the voters, members of this commission are exempt from the automatic termination provision of Berkeley Municipal Code Section 3.02.020.

¹⁰ Presently, the only commission that is officially authorized to meet quarterly is the Loan Administration Board.

¹¹ The secretary of the Loan Administration Board, officially authorized to meet on a quarterly basis, shall report the full attendance record of each member every 12 months (December 31st).

A. MEMBERSHIP (continued)

6) Attendance Requirements (continued)

d. Exemption from Automatic Termination Due to Attendance (continued)

The **Police Review Commission** which was also created by initiative ordinance, provides for termination after three consecutive unexcused absences from regular or special meetings.

e. 50% attendance at meetings.

A member must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.

f. New members.

In the case of new members who were appointed during the last 6-month reporting period, they must have attended more than half of all regular meetings held since being appointed in order not to be counted absent.

g. No quorum - meeting canceled

Where it appears that there will be sufficient members to hold a meeting but at the actual time of the meeting a quorum cannot be assembled and the meeting is canceled, **those members who are absent will have an absence counted against them.** Commissions may adopt a rule establishing a maximum time those present will wait for a quorum prior to canceling the meeting.

If it is known far enough in advance of a meeting to notify all members that a quorum will not be achieved, the Secretary will cancel the meeting. **No absence will be recorded against any member.**

7) Leaves of absence

An appointing Councilmember may grant a non-renewable leave of absence anywhere from one meeting up to a period not to exceed three months. Notice of the leave of absence must be filed by the Councilmember with the City Clerk **prior** to the actual absence. In the case of commissioners who are appointed by the Council as a whole, a non-renewable leave of absence of a period not to exceed three months may be granted by the Council; the secretary shall submit a consent to the agenda process for Council approval prior to the actual absence.

A. MEMBERSHIP (continued)

7) Leaves of Absence (continued)

During the commission member's authorized leave of absence, the commission treats the absence as a vacancy, i.e., the number required for a quorum drops accordingly (see Chapter IV-D.2). The appointing Councilmember or the Council may fill such vacancy by a temporary appointment for a period not to exceed the period of the temporary vacancy.

8) Automatic Terminations

The following reasons are cause for members to be automatically terminated from their commission appointments:

- a. Absence from three (3) consecutive meetings (see Sec. A.6. of this Chapter). ¹²
- b. Absence from 50% or more of all regular meetings in a six-month period (see Sec. A.6. of this Chapter). ¹²
- c. The non-filing of any required Conflict of Interest Disclosure Statement (see Sec. B.2) of this Chapter).
- d. Failure to take the Oath of Office within 30 days of the date of the appointment letter (see Sec A.6) of this Chapter).
- e. Non-residency (see Sec. A.4) of this Chapter).
- f. Failure to meet any eligibility requirements of the ordinance, resolution or other law establishing the commission or regulating its membership.

If a Commissioner is terminated more than four times due to any of the above reasons or a combination of the above reasons, he/she may not be appointed again to any Commission for one year.

¹² The members of the Fair Campaign Practices Commission and the Police Review Commission are exempt from this rule.

A. MEMBERSHIP (continued)

9) Resignation Procedure

A commission member wishing to resign shall submit a letter of resignation directly to the City Clerk and to the appointing Councilmember or the Council, as appropriate. The City Clerk should receive the signed original letter of resignation. Once submitted, a letter of resignation cannot be withdrawn. The City Clerk shall then notify the Councilmember, or Council, and the Secretary of the commission that a vacancy exists.

10) Accommodations for Disabled Commissioners or Board Members.

Commissioners who are disabled are entitled to receive accommodations on request in order to participate fully in board or commission meetings or activities. Potential accommodations include:

- Sign language interpreters;
- Printed materials in Braille, on tape, or in large print;
- Accessible transportation;
- Assistance in handling papers and documents; and
- Use of the City's Assistive Listening Devices

It is the responsibility of the City to arrange and pay for accommodations, or to reimburse the commissioner for costs incurred in instances where it is easier for the commissioner to arrange the accommodations him or herself. An example of the latter might be to reimburse a vision impaired commissioner for expenses incurred in hiring a reader to preview the commission packet. See 11)c. for information regarding stipend support.

- NOTE:**
- All accommodations are not costly
 - Meetings can be relocated
 - Information distributed at meetings can be read aloud

A. MEMBERSHIP (continued)

11) Stipend Information ¹³

In order to remove barriers from citizen participation on commissions, the Council has authorized payment of \$20.00 per meeting, in lieu of actual expenses, to Council-appointed members of commissions whose individual income or incomes as filed jointly for federal income tax purposes is below \$20,000 per year. Eligibility is determined by the previous year's income. Once established, eligibility continues until such time as the member becomes aware that his/her yearly income has exceeded or will exceed \$20,000. At such time that member shall immediately notify the secretary of the commission of this fact and request cancellation of eligibility to receive the stipend. When a commission member who was previously ineligible believes that circumstances have changed which will result in that person's current year income being below \$20,000, the commission member shall make a certified declaration with the secretary of the commission describing the general circumstances which have occurred (loss of job, etc.) which will result in the member's eligibility.

a. Reimbursement Declaration Form

Those commission members desiring to establish eligibility shall file with the secretary of the commission a statement certifying that his/her income for the preceding year meets the eligibility requirements stated above. An eligible member is entitled to receive:

1. \$20.00 for each official meeting attended, not to exceed two (2) meetings each month,
2. reimbursement for actual child care expenses incurred while he/she attends meetings,
3. reimbursement for actual expenses paid to an attendant to provide care for a dependent elderly person while he/she attends meetings, and/or

¹³ The Police Review Commission is an exception to these provisions. Ordinance No. 4644-N.S. provides for stipends for Police Review Commissioners in the amount of \$3.00 per hour, not to exceed \$200.00 per month, regardless of income.

A. MEMBERSHIP (continued)

11) Stipend Information (continued)

a. Reimbursement Declaration Form (continued)

4. reimbursement for actual expenses incurred for disabled support services in order to participate fully in board, commission or committee meetings.

A receipt signed by the person providing such care or support services must accompany request for reimbursement.

b. Annual declaration.

A new declaration must be filed annually prior to April 30th in order to maintain eligibility.

c. Disabled support services.

Eligible members who are disabled and are seeking reimbursement for support services must also file with the Secretary, a statement of the support services he/she requires to participate fully. If the member's needs change, he/she must immediately notify the secretary. Otherwise, the statement certifying the need for support services will continue to be in effect for the duration of the member's term of appointment.

For specific information on reimbursement and the proper forms to use, refer to Administrative Regulation 3.1.

12) Parking Permits

Upon receipt from the commission member of the member's vehicle license number, registration number, make, year and model, the secretary of the commission will request the City Manager's Office to issue a special permit allowing the member to park in the City's parking lot at Martin Luther King, Jr. Way and Addison after 5:00 p.m. If a parking place is needed during the day for specific commission business, the member shall request the secretary to request the City Manager's office to issue a temporary permit valid only on the specific day it is needed. The request for a temporary permit should be accompanied by a justification.

B. CONFLICT OF INTEREST PROHIBITED

Members of Berkeley's commissions provide advice to the City Council, study various civil matters and, in the case of certain commissions, function in a quasi-judicial capacity. Precise relationships vary in that certain of these quasi-judicial determinations may be appealed to the City Council; others may not be. All members of commissions should be aware of the need to avoid any instances of conflict of interest. Conflict of interest standards are generally applicable to all commissions. Additional requirements may be applicable to particular boards and commissions.

1) Influencing the Making of Contracts and Affecting Other Financial Interests

Section 36 of the Berkeley City Charter directly prohibits the involvement by any City official, elected or otherwise, in any contract, work or business of the City either directly or indirectly. In Chapter 3.64 of the Berkeley Municipal Code, the City Council has clarified Section 36 of the Berkeley City Charter to boards and commissions. The City Charter and this implementing ordinance prohibit a commissioner from having an interest in any work or business of the City if the Commission of which he/she is a member has had any role in influencing the making of the contract. These roles would include reviewing the contract itself, reviewing bid specifications, reviewing requests for proposals, discussing funding of the activity which is the subject of the contract, or making other kinds of policy recommendations which directly affect the making of the contract. A commissioner cannot satisfy the Charter and the implementing ordinance simply by disqualifying himself/herself when the vote or discussion on the contract is taking place. The law prohibits the contract itself.

However, some exceptions to this rule exist. For example, if the commissioner is an officer, member, director or employee of a nonprofit corporation which is to receive the contract in question, the law does not prohibit the contract itself. The commissioner must disclose his/her interest, the minutes of the commission must reflect this disclosure, and the individual commissioner must disqualify himself/herself from participating in any manner either directly or indirectly in making or influencing any decision related to the contract.

These provisions of the City Charter and B.M.C. Chapter 3.64 are parallel to provisions of State law, Government Code Section 1090 et. seq. (see Chapter VI-C. of this Manual).

B. CONFLICT OF INTEREST PROHIBITED (continued)

1) Influencing the Making of Contracts and Affecting Other Financial Interests (continued)

The State Political Reform Act, Government Code Sections 81000 et. seq., and the Berkeley Conflict of Interest Code adopted pursuant to the Act, prohibit a commissioner from making, participating in making, or attempting to influence the making of any City decision if the commissioner knows or has reason to know that it is reasonably foreseeable that the decision will have a material financial effect on specified interests of the commissioner or a member of the commissioner's family distinguishable from its effect on the public generally. The State Fair Political Practices Commission (FPPC) enforces these procedures and the scope of these prohibitions is delineated in FPPC regulations and advice letters. You may seek the advice of the City Attorney as to whether you should disqualify yourself. However, only a formal advice letter from the FPPC will insulate you from enforcement actions by the FPPC. Be sure to seek the advice of the City Attorney or FPPC well before you are required to participate in a matter which would create a possible conflict of interest.

In addition to filing required disclosure statements described below, any such conflict of interest should be publicly disclosed and noted in the official record of the commission. **In such cases it is not sufficient simply to abstain from voting; the positive act of verbal disclosure is required.**

2) Disclosure Statements Required

The Government Code of the State of California requires that members of certain commissions file statements of economic interests in which they disclose specified financial interests. The Berkeley Conflict of Interest Code specifies each commission which is subject to this requirement and the interests which must be disclosed.

When a Commission member is first appointed, he/she **must** file an "Assuming Office" Statement within 30 days of taking the Oath of Office as required by law.

In addition, an annual statement must be filed every year and if a commission member resigns or is terminated, a "Leaving Office" Statement is required to be filed.

If a member has been **terminated from the Commission for any reason**, and the appointing Councilmember wishes to appoint that person again, the member must first file a "Leaving Office" Statement prior to the new appointment. He/she is then required to file another "Assuming Office" Statement within 30 days of the date of the re-appointment letter.

B. CONFLICT OF INTEREST PROHIBITED (continued)

2) Disclosure Statements Required (continued)

Any Commissioner who fails to file any required Statement of Economic Interests within the time specified for such statement will automatically be terminated from the commission.

All commission members affected will be routinely advised of these requirements and deadlines by the City Clerk. Not all commissioners are required to report the same degree of disclosure. The Conflict of Interest Code is designed to require only that degree of disclosure needed to protect the public interest while balancing that need with an individual's right to privacy.

3) Incompatible Public Offices Prohibited

The common law doctrine of incompatible public offices prohibits a public official from occupying two public offices which are incompatible. in terms of their duties and/or the likelihood of divided loyalties. If you already occupy an elected or appointed office, and you are applying for appointment to a second public office, you should seek the City Attorney's advice as to whether the two offices may be deemed incompatible.

4) Incompatible Activities for Compensation

Government Code Section 1126 prohibits a public official from engaging in activities for compensation which are incompatible with their public office. If you are engaged in compensated activities which may be incompatible with your duties as a commissioner, please consult the City Attorney.

C. COMMISSION ORGANIZATION

1) Officers Election and Term of Office

Unless otherwise provided by ordinance,¹⁴ the chairperson and vice chairperson are elected by the majority of the commission for a one-year term and hold office until their successors are elected or until their terms as members of the commission expire. No commissioner shall serve as chairperson for more than two consecutive years. The annual election of commission officers should occur during the month of February. The results of the vote should be publicly announced and the vote recorded in the minutes.

¹⁴ Election of Officers to the Police Review Commission and the Board of Library Trustees is regulated by Ordinance No. 4644-N.S. and 2278-N.S. respectively

C. COMMISSION ORGANIZATION (continued)

2) Duties of Officers

The chairperson performs the following duties:

- Presides at all meetings of the commission
- Appoints subcommittees and chairpersons of subcommittees subject to the approval of the commission
- Approves the agenda prior to distribution
- Signs correspondence on behalf of the commission
- Represents the commission before the City Council with the approval of the commission
- Performs other duties necessary or customary to the office

The most crucial duty of a chairperson presiding at a meeting is to ensure that the work of the commission is accomplished. To this end the chairperson must exert sufficient control of the meeting to eliminate irrelevant, repetitious or otherwise unproductive discussion.

At the same time the chairperson must ensure that all viewpoints are heard and are considered in a fair and impartial manner.

3) Transfer of Chair

In the event of absence of the chairperson or his/her inability to act, the vice chairperson presides in place of the chairperson. In the event of the absence or the inability to act of both the chairperson and the vice chairperson, the remaining members elect one of their members to act as temporary chairperson.

4) Temporary Subcommittees

From time to time the commission or the chairperson, with the confirmation of the commission, may appoint several of its members but fewer than the existing quorum of the present body to serve as a temporary subcommittee. Only commission members may become members of the subcommittee, however, the commission may seek input and advice from the community. Subcommittees must be reviewed annually by the commission to determine if the subcommittee is to continue.

C. COMMISSION ORGANIZATION (continued)

4) Temporary Subcommittees (continued)

Subcommittees make recommendations only to the parent commission. Subcommittee recommendations must be adopted by the parent commission before they can be forwarded to Council. A subcommittee may not represent the parent commission before the Council or other bodies unless it has first received the authorization of the parent commission to do so. Staff is not required to attend or take minutes at meetings of subcommittees.

CHAPTER III

COORDINATION WITH COUNCIL, STAFF AND OTHERS

A. COORDINATION WITH COUNCIL

1) Relationship to Council

All commissions, even those which are quasi-judicial, administrative or advisory to the City Manager also advise the City Council. As the only authorized legislative body of the City, the Council is responsible for accepting, rejecting or modifying commission recommendations. The Council relies on the various commissions to increase the variety of viewpoints and talents brought to bear on City problems. By concentrating on specific areas, commission members expand their expertise and conduct detailed analyses that the Council itself may not have the time to pursue. It is expected that commissions will adopt positions of advocacy within their specific spheres of interest. However, the Council's role is to take into consideration the many varied and sometimes conflicting public needs and render its judgment of what will best serve the public good. The Council must weigh the effect of any given recommendation, not only on the particular area of interest, but on all other City goals and programs.

Just as the commissions advise the City Council concerning policy but do not create policy, so too do the commissions advise the City Council concerning various programs run by the City but do not themselves operate programs. The exception to this principle is the Board of Library Trustees and the Berkeley Rent Stabilization Board, which have administrative powers.

It is the responsibility of the City Manager and the City staff to operate programs authorized by the City Council. In a few cases a specific program will be designated by the Council to be sponsored by a specific commission, and even in such instances the administration is the responsibility of City staff.

2) Communications from Council

Each commission will be given an opportunity to review and make recommendations on items relevant to its charge. The City staff will notify commissions of relevant items requiring Council action while the item is still in the development stage so as to provide adequate response time.

A. COORDINATION WITH COUNCIL (continued)

2) Communications from Council (continued)

The Council may also transmit referrals for information or action through the City Clerk who notifies the secretary of the commission. The secretary then notifies the commission. When appropriate, the Council may indicate a desired date for response and specify commissions to be consulted.

Each item presented to the City Council on the action calendar whether generated by City Manager, Councilmembers, or commissions, shall indicate to whom the item has been referred, the date of referral, and any responses. Each commission may elect to respond by means of a separate communication.

In September of each year the commission secretary will offer commission members an opportunity to be added to the Council **agenda** mailing list. The City Clerk provides a copy of each Council meeting **summary** to the secretary of each commission. The secretary will routinely duplicate the Council summary for inclusion with the next commission packet if the commission so directs.

3) Communications to Council

A commission transmits its findings, responses to referrals and other communications to the Council through the Council agenda. Upon the direction of a commission the secretary prepares and submits the item for the Council agenda. Commission reports are to be approved by the commission chair or its designee before submittal. Submittal is to be directed to the City Clerk no later than three weeks following commission action. If a commission determines that severe detriment will occur by the three-week delay then the secretary may be directed to submit the communication sooner. Deadline for submittal to the City Clerk is Monday, eight days prior to the Council meeting.

On rare occasions an advisory commission may be unable to achieve the number of votes needed to take official action. An example would be a commission of nine members, the five members present at the meeting (thus achieving the required quorum) disagree: three voting for a proposal and two against. If time permits the matter would be held until all members were present and a definitive recommendation voted upon. If, however, the matter is time sensitive, the commission could elect to communicate the facts to the Council and indicate those voting for each of the opposing viewpoints.

A. COORDINATION WITH COUNCIL (continued)

3) Communications to Council (continued)

Commissions may submit consent calendar items, Reports for Action and Reports for Information for the Council agenda. To be accepted for the agenda, Reports for Action must contain a specific recommendation for Council approval, adoption or authorization. Such recommendations should be clear and spell out who is taking action and what the action will accomplish. The subject matter appropriate for Reports for Information is that which seeks to advise or inform the Council on a subject but does not request any action or report by the Council. The subject matter appropriate for the Consent Calendar is that which recommends a specific Council action and is routine, noncontroversial, easily explained and can be expected to receive Council approval without discussion. A subject which is controversial and complex and can be expected to generate Council discussion should not be transmitted as a Consent Calendar item but as an Action Item.

Each member of a commission shall state his/her reasons for a vote to abstain on any matter including if the abstention was due to a conflict of interest. The commission secretary shall report such reasons in transmitting the action of the commission to the City Council.

This section is only intended to give you an overview of communicating to Council. For more detailed procedures on this subject, see **Chapter V. CITY COUNCIL AGENDA PROCESS.**

4) Completed Commission Work

It is the commission's responsibility to provide complete, concise and accurate reports to the Council and prepared in such a manner that the City Council fully understands the issue and what action, if any, it is to take. A Commission report should include a clear recommendation, the reason for the recommendation, the facts on which it is based, points of disagreement within the commission or with staff, if any, and the minority recommendation, if any. Quality commission reports and recommendations take into account the Council's necessity to view an issue from as wide an angle as possible. The Council must fully understand the relevant background and implications, including costs, of each action it is asked to take. It is the commission's responsibility to provide that requisite information insofar as possible. **Submission of quality reports will enable the City Council to act knowledgeably and expeditiously on commission reports and will reduce the likelihood of the Council referring the report back to the commission for clarification.**

A. COORDINATION WITH COUNCIL (continued)

4) Completed Commission Work (continued)

Quality reports entail four key procedural aspects:

- Review by other affected commissions prior to submission to the City Council.
- Proper report format and preparation.
- Legal review when appropriate.
- Realistic funding plans which do not hurt other programs.

5) Council Meetings and Agendas

Regular meetings of the City Council are held on the first four Tuesdays of each month in the Council Chambers. The first and third Tuesdays of each month are limited to comments from the public at the Open Mike, Consent, Action, and Information items. The second and fourth Tuesdays are limited to comments from the public, Consent items, Public Hearings and/or workshops. Boards and commissions must adhere to City Council rules and regulations governing which meetings are appropriate for submittal of Consent and Action Items.

As an early order of business the Council considers the consent calendar; however, any contested items removed from the calendar are discussed later in the meeting or are carried over for discussion at the next regular meeting.

Following passage of the uncontested consent calendar the presiding officer asks if any Councilmember wishes to discuss any of the Reports for Information. Reports for Information designated for discussion by a Councilmember are added to the appropriate section of Reports for Action and carried over as pending business until discussed or withdrawn.

Late items for Council action will be available in the reference binder in the City Clerk's office and at the Council Chambers at the Council meeting.

The chair or the representative of the commission has the right to address the City Council on matters within their charge at the time their item is heard. They may address Council from the staff table. Each commission may present a majority and minority position. Commission members not delegated to speak as the official representative may utilize the Open Mike and may be asked questions by Councilmembers.

B. COORDINATION WITH STAFF

1) Duties of Secretary

An employee of the City designated by the City Manager serves as secretary to the commission. Individuals assigned to serve as secretaries to a commission are there to perform the ministerial and housekeeping functions as outlined below and do not vote. In addition to this, as City professionals they have the responsibility to assure that the commission is apprised of laws, and administrative processes affecting proposed policy recommendations and operational recommendations. This will save reprocessing all the good work of these bodies which serve largely without compensation and which contribute valuable time to the City.

More importantly, the secretaries must at all times consider the policy and fiscal impacts of proposals and provide commissioners with early and timely information about not only the fiscal and policy impact of a proposal in and of itself, but its relationship to overall department and citywide fiscal capacity and priorities. Commission secretaries must be constantly aware of the responsibility to represent overall Council priorities and administrative policies of the City. To this end, all commission secretaries will be required to attend training annually on such matters. Should secretaries have questions they should see the administrative official to whom they report for advice and consultation.

The two main responsibilities of the secretary are 1) to assist the commission in its functions; and 2) to represent the City Manager. Additional responsibilities are as follows:

- Provides professional and technical advice.
- Assists the commission in the discharge of its responsibilities.
- Arranges for accommodations for disabled commissioners or disabled members of the public.
- Obtains clerical assistance for the preparation, duplication and distribution of commission letters and reports.
- Maintains permanent minutes of meetings and records of hearings and official actions.
- Prepares the commission agenda in consultation with the chairperson, and notifies members of meetings.
- Reports the attendance record of each member to the City Clerk.

B. COORDINATION WITH STAFF (continued)

1) Duties of Secretary (continued)

- Prepares appropriate reports based on the commission's action for the Council agenda.
- Insures adherence to required Council report format and timetable for submittal.
- Refers draft reports to other commissions when applicable.
- Reviews minutes and agenda of other commissions and summarizes for the benefit of the commission when appropriate
- Maintains a current copy of the Commissioner's Manual and brings it to the commission meetings
- Secures meeting room for commission meetings
- Assists in mobilizing resources needed for research and preparation of various reports:
 - a) Clears with the City Manager or Department Director, requests for extensive staff work or report preparation to assure resources allocation is in accordance with budget priorities
 - b) Prepares professional and accurate reports in line with the City Manager directive of "completed staff work".

2) The Relationship Between Secretary and Commission

As previously stated, the secretaries of commissions are City employees appointed by the City Manager. In some instances, a department head who is named as Staff Secretary delegates this responsibility. While other staff members may assist the commission from time to time, clerical staff will not be assigned to attend meetings. Only the Staff Secretary's presence is required. Generally, the Staff Secretary is appointed from the Department which most nearly encompasses the commission's activities.

The two main responsibilities of the Staff Secretary are to: assist the commission in its functions; and 2) to represent the City Manager. As representatives of the City Manager, the Staff Secretary also advises the commission of staff's recommendations. In this sense, the Secretary is an active participant with the commission, although without a vote, rather than merely a passive transmitter of information.

B. COORDINATION WITH STAFF (continued)

2) The Relationship Between Secretary and Commission (continued)

While the Secretary's role is to assist the commission, the Secretary and other staff assistants **are not employees of the commission**. At all times the staff is directly responsible to the department head and to the City Manager. The following are some ways to avoid misunderstandings and to keep the channels of communication open:

- a. All contacts from the Commission to any member of the staff other than the Secretary, are transmitted through the Secretary. Conversely, all contacts from staff to the commission go through the Secretary. When an individual commissioner wants to make contact with a higher level employee, i.e., the City Manager, the Commissioner should notify the Secretary of this contact.
- b. Contacts with staff members should clearly be in the framework of the commission assignment.
- c. Commissioners should not ask for individual reports, favors, or special considerations.
- d. Citizens complaints heard by commissioners should be referred directly to the staff person (secretary) assigned to the commission.
- e. Commissioners should realize that the assigned staff person who works with the commission reports directly to a supervisor and may not be able to carry out every recommendation that the commission may have.

At the same time, the staff secretary has a responsibility to:

- a. Keep the commission informed. The Secretary does this by making sure that other employees and all commission members know the purpose and goals of the organization. The staff person is also responsible for suggesting methods whereby the commission can accomplish these goals.
- b. Initiate suggestions so that the commission has an idea how to seek out information or resolution of a problem.
- c. Promote the team spirit, so that all commissioners can participate in a manner which will maximize their satisfaction in the organization. Recognizing commissioner contributions and encouraging involvement are two ways to let everyone know that their ideas are welcome.

B. COORDINATION WITH STAFF (continued)

2) The Relationship Between Secretary and Commission (continued)

- d. Take initiative to inform commissioners about activities, projects and work that is taking place elsewhere in the organization and among other commissions.
- e. Present a balanced report on controversial issues, so that both positive and negative aspects can be readily identified.

If a commission desires information or a report which will require an excessive amount of staff time, the commission should request Council permission to pursue the project. The commission should direct the secretary with regard to the urgency of the referral. Following this procedure will prevent staff from being diverted from priority projects.

Reports issued to the Council by the commission and prepared by the Secretary should present objectively the commission's recommendation and deliberations, but should also make reference to any disagreement with staff, so as to fully inform the Council of the implications of the report. It is suggested the secretary maintain a simple report for tracking the status of all referrals to the City Manager and City Council. The report could be updated for each meeting, providing a one-line description of the referral, the date of the referral, when it was transmitted to the Council or City Manager, and what the response was.

All appearances by staff before the commission are scheduled through the Secretary so that they may be placed on the agenda. A staff person appearing before, or communicating with, a commission as a private individual advises the commission that he/she is not acting in an official capacity.

Staff Secretaries are professionals who are required to provide their best technical and professional advice both to the commission and also to the City Manager. Occasionally this dual role will result in staff opposing a commission recommendation. In such cases, the commission receives copies of the City Manager report at the same time the City Council receives the report.

3) The Relationship With The City Manager

Commission secretaries must provide copies of any reports or communications directed to the City Council to the City Manager at the same time the report is submitted to the City Clerk.

B. COORDINATION WITH STAFF (continued)

3) The Relationship With The City Manager (continued)

In those cases where the City Manager's recommendation differs from that of a commission, the City Manager will send a separate report to Council which highlights the nature of any difference and any alternative recommendations. A copy of that report will be sent to the commission Secretary for immediate transmittal to commission members at the same time it is sent to the Council.

On an annual basis, the City Manager will solicit the opinion of each commission regarding staff service provided.

C. RELATIONS WITH OTHER COMMISSIONS, OUTSIDE AGENCIES AND THE GENERAL PUBLIC

1) Other Commissions

There are enormous benefits when commissions work together on projects or investigations. Besides the advantages of time and energy savings, commission work can reflect a more accurate blend of community sentiment when efforts are made to coordinate in order to deal with overlapping subject matter.

When one commission recommends an action relating to a sphere of interest of another commission, the other involved commissions are notified and given an opportunity to comment before any reports are forwarded to Council. Referrals for information or review of proposals from one commission to another are transmitted through the respective secretaries of each commission.

In order to develop a useful liaison between commissions, each commission should determine which other bodies regularly deal with overlapping subject matter. Commissions which regularly overlap on each other's activities should request agenda, minutes and relevant reports from each other. Commissions which do not ordinarily relate need not routinely communicate with each other, but where an issue arises which is of concern to both, the two commissions should review the issue with each other before submitting a report to Council.

C. RELATIONS WITH OTHER COMMISSIONS, OUTSIDE AGENCIES AND THE GENERAL PUBLIC (continued)

2) Outside Agencies

From time to time, Boards and Commissions pass resolutions to send communications directly to outside agencies. **Unless specifically authorized by the Council**, commissions may not represent the policy of the City. Commissions function in an advisory capacity and in the absence of an explicit delegation of the role to act on the City's behalf by the Council on a particular issue, may not directly communicate with outside agencies. If a Commission wishes to support or object to a particular policy or program it should frame its action as a motion and a recommendation to the City Council on whose behalf the letter will actually be sent. Supporting or opposing legislation need not take the form of a resolution. Action by Council on such a commission request would be in the form of a letter. However, should a resolution be requested of Council, such resolution would be attached to the Council report (in the proper format), ready for Council action. If a request for an official policy statement is received from an outside jurisdiction, the commission should analyze and study the request. It could then make a recommendation to the Council. Furthermore, commissions may not take any action such as endorsing grant applications, receiving donations and gifts, approving use of City property, facilities or other resources, which commits or indicates an intention to commit the City without authorization by the Council and coordination with the City Manager. All communications from and to outside agencies are transmitted through the Staff Secretary.

3) General Public

The purpose of commission meetings is to permit open discussion on specific topics in a setting that is more informal than a Council meeting, to hear public expression on issues and to inform the public of what the commission is doing. Commissioners have the obligation to consider the welfare of the entire City, to be fair, objective and courteous, and to afford due process to all who come before them.

Public opinion must be sought but no commissioner should permit his/her judgment to become subservient to the criticism of those citizens attending the meetings. In order to conduct its business, the commission has the authority to limit discussion and public participation on any subject (see Requirement to Allow for Public Participation-Chapter IV B.3).

All communications from the commission to members of the public are transmitted through the Commission Secretary. Similarly, arriving communications are received by the Secretary and relayed to the commission through the agenda. The Secretary is responsible for acknowledging all communications received.

C. RELATIONS WITH OTHER COMMISSIONS, OUTSIDE AGENCIES AND THE GENERAL PUBLIC (continued)

4) Analytical Problem Solving Approach

It is important for those who recommend policy, operational, and other improvements in City government to use an analytical problem solving approach. This pertains not only to commissions, but to staff people, executives and others who wish to seriously improve municipal services. As resources dwindle, systems become more complex, and the public becomes more and more accustomed to the world's highly competitive consumer oriented economy, all municipalities and this city government must adapt. In order to determine priorities, to select the best forms of service and the best methods of providing those services, to provide financial, personnel and technical resources to make those services work effectively, an analytical approach needs to be taken prior to advocacy and mobilization of support. A shorthand approach includes:

- a. What is the problem we are trying to solve, and if we probe deeper, is the apparent problem a symptom or is there really a deeper problem?
- b. What general approaches could be used to solve the problem? Avoid single solution answers.
- c. Of the possible approaches, which is the best one and why?
- d. How will the selected approach or solution work? What personnel, financial, and other resources are necessary to make it work? Where will these come from: If there are insufficient resources, what other equally valued programs or activities should be reduced or eliminated to free up the resources required?
- e. Have all those who will actually have to implement the proposal had input and do they agree?
- f. Does the proposal meet legal requirements and has the City's budget office indicated that the financial part of the proposal is, in fact, feasible and workable.
- g. Can the proposal be proven to work by putting it on a standard schedule for implementation?

If each proposal or recommendation brought to the City Council were thoroughly tested against these criteria, or something like them, much wasted time and effort would be avoided and the Council would be much more likely to approve recommendations rather than sending them back for laborious staff analysis.

C. **RELATIONS WITH OTHER COMMISSIONS, OUTSIDE AGENCIES AND THE GENERAL PUBLIC** (continued)

5) **Individual Commissioners**

Unless authorized by the commission, an individual commissioner may not represent the commission before any other commission, outside agency, to the press, or the general public. (See C-2, "Outside Agencies", regarding representing the City before outside agencies.) When an individual commissioner is appearing in a private capacity before other commissions, outside agencies, or the general public, the commissioner must clearly indicate that she/he is speaking as a private individual, not as an official representative. Official city stationery may be used only for official communications authorized by the commission.

Each commissioner also has the obligation to work cooperatively with other commissioners. Commissioners should exercise self-discipline and strive always to be objective, fair and courteous with each other as well as with staff and the public. A healthy respect for the time of other commissioners, staff and the public is of critical importance.

6) **Press and Other Media**

In order to inform the public as much as possible of commission activities, the Secretary, with the approval of the commission or the Chairperson, should provide the media with pertinent information as noted below. Press releases should be sent to local media. From time to time, it may be appropriate to provide press releases to other newspapers, radio and television stations.

- a. **Notices of Meetings and Agenda** - The Secretary should routinely send meeting notices and agenda to the media. Copies should be sent to the City Clerk.
- b. **Items of Public Interest and Policy Statements** - Information concerning items of particular interest to be discussed at future meetings as well as recent newsworthy actions of the commission should be regularly provided to the media. Press releases which state the City's policy should be cleared through the City Manager's Office prior to release to the press. Copies of all press releases and other notices that are provided to the media, should be sent to the City Manager's Office also.

CHAPTER IV

COMMISSION PROCEDURES

A. WORK PROGRAM

1) Development of a Work Program

Many commissions find it effective to establish a yearly work program or goals statement. A work program is a planning document that specifies how and when the objectives (outcomes) which the commission expects to accomplish during the fiscal year will be achieved. Goal statements explain the nature and scope of the work to be performed and the time needed to accomplish the goal. The nature of the duties of specific commissions may determine which method is most suitable.

Designing yearly work programs or goal statements may be done in conjunction with the development of the relevant departmental work plan so that the department and commission's work will complement each other throughout the year.

B. MEETINGS

1) Requirement to Meet in Public

The Brown Act (Government Code 54950 to 54961 inclusive), adopted by the State of California in 1953 and subsequently amended, requires that all meetings of commissions where a majority of commissioners attend, be open and public and grants all persons the right to attend such meetings. The purpose of this legislation is stated in the Brown Act as follows:

54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in the State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberation be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

B. MEETINGS (continued)

1) Requirement to Meet in Public (continued)

Legal reasons to hold closed sessions are very limited and the occasions when an advisory board/commission could adjourn to a closed session are rare. Specific cases should be cleared with the City Attorney prior to attempting to schedule a closed session.

2) Requirement to be Accessible to Public

City policy states that public meetings shall be accessible to the handicapped. This policy and a list of approved meeting locations is contained in Resolution No. 51,728-N.S. (See Chapter VI).

a. **Wheelchair Access**

All board and commission meetings must be held at wheelchair accessible locations. This includes the approach to the facility, entry, path of travel within the facility, and restrooms. City of Berkeley facilities are continually being upgraded to meet accessibility requirements; secretaries should contact the Disability Compliance Coordinator or the City Clerk's Office for recommended locations or for location assessment, if necessary.

b. **Communication access for disabled members of the public.**

All boards and commissions must provide communication access in the form of accommodation to members of the public so that they may have an equal opportunity to participate in and benefit from board and commission meetings. This particularly affects citizens who are vision or hearing impaired, and may involve requests for such accommodations as providing meeting agendas in large print or Braille, utilizing the City's assistive listening devices, or the provision of a sign language interpreter at the meeting itself.

Upon request, it is the responsibility of the secretary to arrange for this accommodation at no cost to the requesting individual. The secretary should contact the City Clerk's Office to be apprised of accommodation procedures, resources, and costs. Although the Communication Access Statement (See E.2 of this Chapter) states that five (5) working days advance notice will ensure accommodation availability, it is the secretary's responsibility to attempt to arrange accommodation even on short notice. Although primary consideration should go to the disabled individual's preferred type of accommodation, when a particular type of accommodation is not available on short notice, an alternative type of accommodation may be considered. For example, if Braille or large print isn't available on short notice, staff may read the document to the vision-impaired person as an alternative.

B. MEETINGS (continued)

2) Requirement to be Accessible to Public (continued)

b. Communication access for disabled members of the public (continued)

Questions regarding the appropriateness of an accommodation request should be directed to the Disability Compliance Coordinator.

It is also the responsibility of the board or commission secretary to ensure that disabled commissioners or board members receive accommodation on request. This is discussed in Chapter II - A.10.

3) Requirement to Allow for Public Participation

a. Comments from the Public

The Brown Act requires that agendas for legislative bodies provide an opportunity for the public to address the body. The City of Berkeley has interpreted this requirement to extend to advisory bodies and includes all boards and commissions by requiring a "Public Comment" item to appear on all agendas.

Each agenda must, therefore, include a place where members of the public have an opportunity to speak on any subject within the purview of the commission. Time limits and location on the agenda may be established by the commission.

b. Informal Participation

The purpose of commission meetings is primarily to discuss commission business and take action. Members of the public may be recognized by the Chairperson to speak if a majority vote is taken to allow participation by the public on a specific subject. The commission may establish this procedure formally as a part of their rules.

c. Formal Participation/Presentations

An individual wishing to formally address the commission or make a presentation makes a written request to the secretary to be scheduled on a future agenda. The request is discussed at the next meeting and the commission may grant or deny the request.

B. MEETINGS (continued)

4) Types of Meetings

a. **Regular meetings** ¹⁵ must be held within the City limits of Berkeley and only at the place specified in the agenda. Once convened, such meetings may be adjourned to another location within the City if unusually large crowds or other circumstances warrant.

b. **Adjourned meetings** are regular meetings that have been adjourned to a future time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

c. **Special meetings** may be called by the chairperson or a majority of appointed members and the notice must be received by all members at least 24 hours in advance of the meeting. Only matters contained in the notice may be considered.

d. **Closed meetings** may be held under rules contained in California Government Code Sections 54950 et. sequitur, and for strictly limited purposes. Refer to the Government Code for permissible subjects and Berkeley Ordinance No. 5349-N.S. for required procedures and required records. The occasions when an advisory body may legally meet in closed session are rare. The City Attorney must be consulted if a Commission wishes to hold a closed session.

e. **Public Hearings and Workshops.** Public hearings are held when required by law. They are a relatively formal proceeding, and are a legally required step preceding action by a commission sitting as a quasi-judicial body. A public hearing must include specific elements which are recorded in the minutes, such as testimony from an applicant or appellant, or interested citizens, or an introduction into the record of pertinent facts and findings.

Workshops are devices designed to elicit citizen input in an informal manner, allowing maximum interaction between citizens and commissioners. Workshop sessions do not culminate in action at that meeting. Legally required actions or recommendations should be taken at either the next regular meeting or at another publicly announced date and time.

¹⁵ A "regular meeting" is defined as the day of the week and the time set for meetings as established by the commission. A meeting held on any other day or at any other time is a "special meeting".

B. MEETINGS (continued)

4) Types of Meetings (continued)

e. Public Hearings and Workshops (continued)

In both cases, the commission, when establishing the time and place for the meeting, should determine the period of time available and establish the portion of time to be devoted to presentations by the public. Secretaries should also keep in mind that all public access and communication access requirements must be met for all public hearings and workshops. (See Sections B2 and E2 of this Chapter)

i) Subject identification. The subject matter of a public hearing is usually clear, and very often the legal requirements of notice are specified by the law. The subject matter of a workshop may present some difficulty. Thought should be given to the structure of the meeting and any possible result which may flow from the hearing or workshop. The following questions illustrate the kinds of decisions and advance planning which should precede any public hearing or workshop:

- Is the subject matter clearly identified?
- Is the focus of the matter sufficiently sharp so speakers can address the subject in a positive and helpful fashion?
- Will possible action follow immediately, or will action be deferred to another specific date?

ii) Notice of Hearing. Where a public hearing is mandated by law, the form and timing of the advance notice is most often specified by law. The commission's secretary will handle all such requirements. Most notices are routinely distributed to the media, affected community organizations, affected neighborhood groups, and, depending on the specific subjects they may also be circulated to affected special interest organizations or individuals.

Certain hearings require, in addition to a mailed notice, a posting in the area affected by subject matter. Again, all legal notice requirements are properly handled by the commission's secretary.

iii) Notice of Workshops may incorporate any or all of the above elements, depending on the subject matter and subject to budgetary limitations.

B. MEETINGS (continued)

4) Types of Meetings (continued)

e. Public Hearings and Workshops (continued)

iv) Conduct of hearing. The procedure to be followed for a public hearing may vary depending, again, on the subject matter and the time available for the hearing. In the instances where a commission acts in quasi-judicial fashion, certain minimum standards of receiving testimony must be met. These would include, but not necessarily be limited to, an introduction of the subject by either the secretary or the chairperson, testimony from affected parties or interested citizens, or receipt of any pertinent documentation.

The hearing should be formally declared open by the chairperson and should be formally terminated by commission motion. If findings are required as a part of the commission action, such findings should be clearly stated for the record. If any commissioner must abstain from participation due to potential conflict of interest, or has a disclosure of interest which, while it should be made, does not prevent participation, these should be stated at the commencement of the hearing.

v) Action. Any action resulting from the hearing should be clearly stated in the form of a motion, properly seconded and voted upon. The record should in such cases identify those voting "aye", those voting "no", those abstaining, and those absent.

Action must, of course, be by an affirmative vote of at least a quorum of the commission. This criteria is more specifically discussed in Section D-2 of this Chapter.

Under State law, action is prohibited on any matters which have not been properly noticed. This is more specifically discussed in Section D-1 of this Chapter.

If no action is to be taken at that meeting, the chairperson should announce this fact, and, if possible, advise the public of the date when action may be expected.

vi) Tape Recording of Hearings. Except for certain quasi adjudicating hearings, there is no legal requirement that any meeting or public hearing be taped. The secretary will provide a written set of minutes, which, when adopted by the commission, constitute the legal record.

B. MEETINGS (continued)

4) Types of Meetings (continued)

e. Public Hearings and Workshops (continued)

vii) Hearing from the Public. At public hearings and workshops, commissions have the responsibility to hear all viewpoints of any subject. In order to ensure that all parties are adequately heard, it is often necessary to establish ground rules. These rules most commonly include:

- Limiting the time of speakers
- Establishing strict rules regarding rebuttal, if it is decided that rebuttal is permitted.
- Requesting commission members to hold questions to the end of the public presentation portion of the hearing.

viii) Impartiality and Standards of "Fair Play". Commissions should be aware of the need to maintain basic standards of fair play and impartiality. This awareness must also speak to the need to avoid the appearance of bias. The chairperson has the primary responsibility to ensure that the varying points of view are heard, that the hearing or workshop proceeds in a timely manner, and that the options for future action by the commission are clearly stated. Awareness of the varying interests within the Berkeley community is essential, and the City Council depends on its boards and commissions to provide thoughtful advice based on the fullest possible study of the subject.

C. MEETING RULES

1) Establishment of Meeting Rules

Each commission may establish additional rules, limit debate and eject unruly persons. It is the responsibility of the chairperson to control public debate so that repetitive or irrelevant remarks are not made, that everyone has a chance to speak before others speak for a second time, and to expedite the business at hand.

C. MEETING RULES (continued)

2) Processing of Motions

When a motion is made and seconded, it should be written by the maker of the motion and read by the chair prior to debate. If the motion is adopted, the maker's written version of the motion should be given to the secretary for reference in preparation of Council reports and/or the minutes. A motion may not be withdrawn by the mover without the consent of the member seconding it. The chairperson may at any time, by majority consent of the members, permit a member to move a subject out of the regular agenda order.

Motions may usually be adopted by the "no objection" method unless any member prefers voice or roll call vote. (There is no legal requirement for roll call voting unless a member demands it). This method of expediting a long agenda is common practice, and any defects are probably cured by the later approval of minutes which should reflect a "no objection" vote as "unanimously carried".

3) Parliamentary Procedure

More detailed information on parliamentary procedure for chairpersons and commissioners as it is applied in Berkeley, precedence of motions and voting procedures is contained in a pamphlet "City of Berkeley Parliamentary Procedure", available from the City Clerk.

D. COMMISSION AGENDA NOTICE

1) Notice of Meetings

In order to protect the right of the public to know when meetings are held, adequate notice must be made. In the case of regular meetings whose time and place is set forth in a formal document (bylaws, ordinance, resolution, etc.), the required agenda serves as notice and no additional notice is needed. Special meetings may be called by the chairperson or a majority of commissioners if written notice is received at least 24 hours in advance by each member and by any news media which have requested such notice in writing. The notice must contain the time and place of the meeting as well as the business to be transacted. No other business can be considered. (See Chapter V for agenda samples)

Guidelines for compliance with Brown Act provisions are contained in Chapter VI - G.

D. COMMISSION AGENDA NOTICE (continued)

2) Polling, Quorum, and Voting

The staff secretary should poll commissioners three (3) days before the meeting to determine if there is a quorum and to communicate this information to the chairperson.

A quorum is the minimum number of commissioners who must be present for the valid transaction of business. In order to take any action, a quorum of commissioners must be present. As defined by the Brown Act, "action taken" means a collective decision, commitment or promise to make a positive or negative declaration or an actual vote. For the purposes of these guidelines, a quorum means a majority of actual appointees. Thus, if a board has nine actual appointees (out of a potential of nine), five members constitute a quorum. If there are only five appointees (out of a potential of nine), three members constitute a quorum. The number of affirmative votes needed to pass a motion is the same number which constitutes a quorum - a majority of actual appointees. This insures that a majority of those actually appointed to a board endorse the action being taken. If one were to allow a majority of a quorum to take action (instead of a majority of those actually appointed), formal action could be taken by a very low percentage of those actually appointed (e.g., if there were five actual appointments to a nine-member body, a quorum would be three and action could be taken by two appointees).

The following is a chart indicating the numbers needed to take action:

<u>Number of Members of Board/ Commission/Committee</u>	<u>Actual Appointees</u>	<u>Quorum</u>	<u>Votes Needed for Action</u>
9	9	5	5
9	8	5	5
9	7	4	4
9	6	4	4
9	5	3	3
9	4	3	3
9	3	2	2

An exception is the **Police Review Commission**, established by Ordinance No. 4644-N.S., which states that "A majority of the appointed commissioners shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of those present is required to take action."

D. **COMMISSION AGENDA NOTICE** (continued)

3) **Polling for Special Meetings**

"Polling" members to determine their vote is not permitted because no discussion or testimony is possible. In instances where the Council desires a prompt advisory recommendation and there is no time to consider the Council's request at a regular meeting, a special meeting should be called. If a quorum cannot be assembled for a special meeting, the staff secretary so advises Council and indicates the date that the commission is expected to be able to consider the issue.

4) **Notice of Public Hearing or Workshop**

Where a public hearing is mandated by law, the form and timing of the advance notice is most often specified in the law. The commission's secretary will handle all such requirements. Most notices are routinely distributed to the media, affected community organizations, affected neighborhood groups, and, depending on the specific subjects they may also be circulated to affected special interest organizations or individuals.

Certain hearings require, in addition to a mailed notice, a posting in the area affected by subject matter. Again, all legal notice requirements are properly handled by the commission's secretary.

Notice of workshops may incorporate any or all of the above elements, depending on the subject matter and subject to budgetary limitations.

E. **COMMISSION AGENDA**

1) **Agenda Titles/Purpose**

The purpose of the agenda is to inform the public regarding the issues to be discussed. It is required by the Brown Act that agenda item titles describe fully the issue or action to be discussed and/or taken. This requirement, therefore, precludes such agenda titles as "University Avenue Improvements" under NEW BUSINESS, or listing a topic on every meeting agenda to cover the "possibility" of discussion.

In preparing the agenda you should place yourself in the position of a member of the public. You need to ask yourself if you could determine from the agenda title what the commission or board is discussing and what action is being proposed.

E. COMMISSION AGENDA (continued)

1) Agenda Titles/Purpose (continued)

For example: "University Avenue Improvements" listed on an agenda by itself does not say anything. An appropriate title might be:

"Discussion of proposed \$5 million University Avenue Landscaping Improvements and formulation of recommendation to City Council"

Another example: "Earth Day" listed on an agenda by itself does not say anything. An appropriate title might be:

"Discussion of Commission participation in Earth Day Parade"

By using a full explanation in the item title, members of the public who may be in favor or opposed to such an issue would know to be present at the Commission meeting to discuss their views.

2) Agenda Format/Headings¹⁶

Prior to each meeting of the commission or board, the secretary prepares and distributes an agenda which usually includes, but is not limited to, the following: Roll Call, Approval of Minutes, Public Comment, Public Hearings, Old Business, New Business, (with appropriate description of the item under the headings of Public Hearings, Old and New Business), and Adjournment. The agenda may be approved by the chairperson prior to distribution. The format of the agenda may be varied to suit the commission's needs, but it shall always include the following as applicable:

- Communication Access Information


All agendas must contain the following Communication Access Information: *"To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call the City Clerk's Office at 644-6480 (Voice) or 644-6915 (TDD); at least FIVE (5) WORKING DAYS NOTICE PRIOR TO THE MEETING will insure availability. If you plan to attend the meeting and wish to use an Assistive Listening Device for the hearing impaired, you need to reserve the device by calling the City Clerk's Office one (1) working day prior to the meeting."*

¹⁶ See Chapter VI-K. for a sample agenda

E. COMMISSION AGENDA (continued)

2) Agenda Format/Headings (continued)

- Accessibility of meeting facilities ¹⁷

All meeting facilities must be accessible. If, however, the accessible entry or path of travel is other than the main or common entrance or path to the meeting location, such information and directions must be so noted on the agenda. The information should be located as close to the wheelchair access symbol  as possible.

All meetings held in the Civic Center Building after hours must indicate the means for entry through the automatic door in the basement. In this instance, secretaries should make arrangements for response to the doorbell.

- Use of Asterisks

Add one asterisk (*) to written reports listed on the agenda and attach to the packet, two asterisks (**) if material is available for commission members only.

- Use of Dates

Items for which material was included in the past and which are again on the agenda should contain the date of the previous agenda packet for reference.

- Identification of Written Reports

Written reports which are to be delivered at the meeting will be identified in the following way: (to be delivered at the meeting).

- Oral Reports

Agenda items for which there will be only an oral report will be identified in the following way: (oral report).

¹⁷ All meeting announcements must include this information.

E. **COMMISSION AGENDA** (continued)

3) **Submission of Agenda Reports**

All reports prepared by staff assisting commissions shall be routed through the department director for policy and operational clearance prior to submission for consideration by a relevant commission. In order to meet agenda mailing and duplicating deadlines, documents of one to five pages needing typing must be submitted no fewer than three full working days before mailout. Special arrangements must be made with the secretary for documents longer than five pages. Only documents requested by the Council or approved by the commission will be typed by the staff. Commission members are responsible for typing any documents they wish to bring to the attention of the commission but which have not been specifically requested by the Council or the full commission. Staff will duplicate such documents for distribution to the commission. Documents needing more than 15 copies must be submitted no fewer than three full working days before mailout to allow time for Central Duplicating to process.

4) **Distribution of Agenda Packets**

If all necessary documents are submitted from the commission by the deadlines noted above, the secretary mails complete agenda packets, first-class postage, to commission members no later than seven days before the meeting. All written communications sent to commissions shall be distributed to all members in the packet or at the next meeting.

Complete agenda packets shall be available at the meeting for public perusal and at the Main Reference Library. Any late items shall also be included in the packet for public perusal at the meeting and the packet maintained at the Library.

An agenda without supporting materials may be distributed to other commissions or City departments whose area of interest is complementary or whose work directly impinges on the subject to be discussed. The secretary distributes the agenda to appropriate local media. In addition, the agenda is sent to the City Clerk and to the City Manager's Office, and a copy is posted on the Community Bulletin Board in front of the Civic Center Building on Milvia Street.

Secretaries shall provide new commissioners with an orientation packet of agendas, action reports, and minutes for the previous six-month period.

5) **Subscription Service Fee**

An annual subscription for the agendas of any board or commission shall be provided. Secretaries shall collect a fee of \$6.00 and issue a receipt for each subscription. The subscription period shall be from September 1 of each year through August 31 of the subsequent year.

E. COMMISSION AGENDA (continued)

5) Subscription Service Fee (continued)

A subscription shall entitle the subscriber to have the agenda mailed for each regular meeting. Agendas for adjourned regular or special meetings are not included in the subscription fee.

F. MINUTES

1) Action Minutes¹⁸

The secretary shall keep an accurate record of the commission's proceedings and transactions. The provision of a stenographer to take minutes is not possible. The secretary shall provide action minutes similar to those provided by the City Clerk. Action minutes list the date, time, and place of the meetings, the members and staff in attendance, the members absent, and a clear and concise description of actions taken. Approved motions are indicated by MS&C (moved, seconded, and carried) and include a breakdown of the vote. The vote breakdown includes the members voting yes, no, or abstain. Reasons for making a motion, debate, and audience reaction will generally not be included.

In quasi-judicial proceedings more detailed minutes are needed which summarize debate, list findings, and note testimony offered by appellant, witnesses, etc. Public hearings may require more specific and complete minutes, depending on the nature of the hearing. In the case of public hearings, a tally is made of speakers for or against and a summary of their views is provided, if possible.

Minutes are presented to the commission for approval at the next regular meeting. The commission may by motion make such correction as conforms to fact. Corrected minutes shall be included in the agenda packet at the next regular meeting. The official signed copies of minutes shall be retained permanently. Five years' worth should be maintained in the department, and earlier sets should be kept at the Records Center.

2) Taping Meetings

It is desirable to tape record meetings when resources permit; but, is not required. However, if a commission decides to tape record their meetings, all meetings should consistently be taped on a regular basis without fail. If tapes are retained, they acquire the status of a public record and must be kept for two years. If however, the tapes are merely used for transcription, they must be erased immediately as required by State law.

¹⁸ See Chapter VI-K. for sample minutes

F. MINUTES (continued)

3) Distribution

Minutes may be distributed to other commissions or City departments whose area of interest is complementary or whose work directly impinges on the subject to be discussed. In addition, minutes are sent to the City Clerk for inclusion in the Clerk's reference library and to the City Manager's Office.

4) Subscription Fee

An annual subscription for the minutes of any board or commission shall be provided. Secretaries shall collect a fee of \$6.00 and issue a receipt for each subscription. The subscription period shall be from September 1 of each year through August 31 of the subsequent year.

A subscription shall entitle the subscriber to have minutes mailed for each regular meeting. Minutes for adjourned regular or special meetings are not included in the subscription fee.

G. OFFICIAL COMMISSION RECORDS

All agendas, minutes, reports, communications, tapes (if retained), and any other related material, should be kept in an organized manner and in such a way that these records can be easily transferred to another staff person in the event of a change in duties or termination with the City.

CHAPTER V

CITY COUNCIL AGENDA PROCESS

A. PURPOSE

1) Communication

As a Communication System, the agenda informs Department Directors, City Staff, the City Council, the general public and the press. In essence, the agenda is a weekly summary of the day-to-day business of the City.

2) Control

As a Control System, the agenda process provides a formal weekly review of the City's business. All agenda items submitted by departments are approved by the appropriate Department Director and reviewed by the City Attorney, the Budget Office, and finally approved by the City Manager. The purpose, timing, costs and financing are all subject to this internal review.

All agenda items submitted by commissions are routed to the City Manager, the Assistant City Manager for the department providing staffing to the Commission as well as the City Attorney. These items, as well as items submitted by the Mayor and Members of the City Council, are not subject to City Manager review but are provided for information.

When a commission makes a recommendation, the City Manager may provide a separate report either recommending alternative action, recommending postponing action on the recommendation, or referring the recommendation to the budget process for evaluation. The secretary of the commission also serves as the City Manager's representative and should alert the City Manager to any such implications as early as possible.

3) Decision-Making

Finally, and most importantly, the agenda process is a Decision-Making System which regularly brings City business to the attention of the City Manager and the City Council for consideration and action.

B. AGENDA PROCESS

The City Council holds its meetings every Tuesday and the agenda schedule is structured to provide the City Council with copies of the "agenda packet" on Thursday afternoon at 2:00 p.m. prior to each Council meeting. This allows Councilmembers the time to review the agenda material over the weekend and ask questions of staff on Monday before the Tuesday meeting. In months having a fifth Tuesday, there is usually no scheduled Council meeting. Commissions submit reports directly to the City Clerk and are not subject to City Manager review. However, secretaries of commissions also have a responsibility of alerting their department head and the City Manager when appropriate, of policy or budget issues revised by proposed commission actions. To the extent that the City Manager may oppose such actions, those views and their basis should be explained to the commission before it acts, whenever possible.

However, in order to provide the City Manager and other staff members with knowledge of items being submitted for the agenda, copies of commission reports should be submitted to the City Clerk as follows for distribution:

Original + 1 copy for City Clerk
1 copy for City Manager
1 copy for City Attorney

Deliver one copy to the Assistant City Manager in the department which provides staffing to the commission.

The City Clerk may request modifications to a report or to an attached document because of incorrect format. From time to time a commission may be requested to delay its report or clarify some portion of the report. This may be caused by the need to coordinate agenda reports on a particular item to provide the Council with comprehensive information. In addition, certain modifications clarifying a report may provide the Council with a more complete recommendation and thus facilitate action.

C. AGENDA SCHEDULE

Coordinating, organizing and assembling the large volume of information and reports which comprise the "agenda packet" is a complex task. A Council Schedule is prepared annually setting forth the various deadlines for submittal of agenda items and for the scheduling of various meetings relating to the preparation and follow-up of the City Council agenda.

1) Deadlines

The deadline for reports being submitted to the City Clerk by commissions is noon on Monday, eight (8) calendar days before each Council meeting.

C. AGENDA SCHEDULE (continued)

1) Deadlines (continued)

The City Clerk will inform the commission secretary by noon on Tuesday if the item submitted requires modification as a result of using an inappropriate format or a lack of essential information.

The City Clerk will send the commission items to Duplicating Tuesday afternoon.

2) Limited Subject Matter on Agendas

Unless the Council has directed otherwise for specific meetings, the agenda for Council meetings held on the first and third Tuesdays of each month is limited to **Comments from the Public, Consent Calendar Items, Action Items and Information Items**.

The agenda for Council meetings held on the second and fourth Tuesdays of each month is limited to **Comments from the Public, Consent Calendar Items, and Public Hearings and/or Workshops**.

D. COMMISSION REPORTS TO COUNCIL

1) Methods of Communicating

A commission transmits its findings, responses to referrals and other communications to the City Council through various categories of reports on the City Council agenda. Those categories include:

Consent Items

Action Items

Information Items

Priority Item Reports (Public Hearings and time certain items)

2) Secretary's Timeline

Upon direction of the commission, the secretary prepares a report and submits the item for the Council agenda. Commission reports are to be approved by the commission chair or its designee before submittal. The secretary should complete the report and submit directly to the City Clerk no later than three weeks following action by the commission and no later than the scheduled deadline to the City Clerk for Commission items. If a Commission determines that a severe detriment will occur with the three-week delay, the secretary may be directed to submit the report sooner. Deadline for submittal to the City Council is Monday, eight days prior to the Council meeting.

D. COMMISSION REPORTS TO COUNCIL

3) Votes Needed to Take Action

On rare occasions a commission may be unable to achieve the number of votes needed to take official action. An example would be a Commission of nine members, with five members present at the meeting (fulfilling the required quorum) where there are three votes in favor of a proposal and two votes against. If time permits, the matter should be held until sufficient members are present so that a definitive recommendation can be achieved. If, however, the matter is time sensitive, the Commission could elect to communicate to the Council that the Commission was unable to take action.

4) Complete, Concise and Accurate Reports

It is the responsibility of the commission to provide complete, concise and accurate reports to the City Council. The reports should be prepared in such a manner that the City Council fully understands the issue and what action, if any, it is being requested to take. (The vote should be included in any case, listing those voting for, against, abstaining, and those who are absent.)

There is an accepted and specific report format for each type of report shown on the following pages. In general, however, Commission reports should include:

- clear recommendation
- the reason for the recommendation
- the facts on which it is based
- points of disagreement within the Commission or with staff, if any
- the required Resolution or Ordinance, in proper format

5) Quality Reports

Quality commission reports take into account:

- the Council's necessity to view an issue from as wide an angle as possible, fully understanding the relevant background and implications, including the costs of each action it is asked to take, and the staff concerns, if any.
- the need for the Council to have complete information from which to act knowledgeably and expeditiously, reducing the likelihood of the Council referring the report back to the Commission for clarification.

D. COMMISSION REPORTS TO COUNCIL (continued)

5) Quality Reports (continued)

- the City Manager's likely concerns regarding the recommendation.
- Review by other affected commissions prior to submission to the Council.
- Proper report format (See E. **REPORT FORMAT/ROUTING**)

6) Review by other Commissions

Often the spheres of interest of various commissions overlap, depending on the specific issue. Before a commission recommends action on an issue, it invites other commissions with an interest in the topic to review the subject and offer a response, whether or not the Council specifically requested such coordination.

For example, if the Parks and Recreation Commission is planning to recommend construction of a playground area at the Marina, it should involve the Waterfront Commission and the Planning Commission. If the Commission on Aging is planning to recommend the funding of a health care clinic for seniors, it should refer the proposal to the Community Health Advisory Committee and the Mental Health Advisory Board. If a referral to another commission has been made, the commission writing the report indicates at the beginning of the report the fact that it made a referral and what the response to the referral was, if any.

The review process is shown below:

- Commission A develops draft report, and refers draft report to _____
- Commission B and others as necessary who review and submit comments to _____
- Commission A which incorporates comments, revises report as necessary to send to Council

E. REPORT FORMAT/ROUTING

The format requirements for reports to the Council are the same for commissions as for staff. It is the secretary's responsibility to follow format requirements when finalizing a commission report. The secretary should be alert to the need to refer draft reports to appropriate commission(s) prior to submission of final reports to the Council.

E. REPORT FORMAT/ROUTING (continued)

Commission reports may be considered incomplete in one or more of the following instances:

- When the report has not been reviewed by another commission(s) whose review is essential if the Council is to make an informed decision;
- When improper format has been used;
- When the recommendation or implications of the recommendation are unclear because of inadequate information.

When incomplete commission reports have been submitted, the City Clerk may notify the secretary, specify the changes necessary in order to complete the report and request that the report be rewritten. The secretary may then confer with the chairperson to determine what changes, if any, should be made.

1) Consent Calendar Reports

FORMAT:

See Exhibits A and A-1.

PAGE NUMBERING:

All pages must be numbered consecutively at the bottom of the page, 3/4" from the bottom of the paper. Do not exceed 4 pages, if possible.

PRINTING:

All pages must be printed on one side only.

NO STAPLES:

All original reports should be free of staples.

PAGE ONE:

Prepare using standard format as shown on Exhibits A and A-1

PAGE TWO:

The second and all subsequent pages of a report (if required) should be properly identified as shown on Exhibit B.

SIGNATURE:

Consent Calendar reports do not require a signature.

E. REPORT FORMAT/ROUTING (continued)

1) Consent Calendar Reports (continued)

CONTENT:

The subject matter appropriate for a Consent Calendar item is that which recommends a specific Council action and is **routine, noncontroversial, easily explained** and can be expected to receive Council approval without discussion.

The Contents of a Consent Calendar report are standard and include the following 7 sections:

1. **Title**
2. **Comments, City Attorney**
3. **Background and need for Council action** (This section should contain the vote of the commission's action - see below)
4. **Financial Implications**
5. **Council Policy and Legislative History, if any**
6. **Community Groups Affected** (In this section the legislators or community groups who should be provided with notice of Council action should be listed. This information will facilitate the timely processing and dissemination of Council actions by the City Clerk following the Council meeting)
7. **Commission or Department involved and name, title and telephone number of the person to contact for additional information.**
The Council agenda will list the name of the Secretary, followed by the name of the Chairperson, followed by the city phone number. This directs citizen phone calls to the appropriate staff member who can respond during regular working hours.

E. REPORT FORMAT/ROUTING (continued)

1) Consent Calendar Reports (continued)

VOTE

The vote of the commission must be shown and should appear in Section 2 of the report, "Background and Need for Council Action" and should be listed as follows:

Ayes: Commissioners A, B, C, E; Noes: Commissioners F, G; Abstain: Commissioner H; Absent: Commissioner D.

If the vote was unanimous, it need only say Ayes: Unanimous, Absent: _____.

Commission members shall state their reasons for a vote to abstain on any matter including if the abstention was due to a conflict of interest and the commission secretary shall report such reasons in transmitting the report to the Council.

ATTACHMENTS

In some cases a Resolution or an Ordinance may be required. To verify the need for such a document, the item should be discussed with the Deputy City Clerk and/or the City Attorney's Office.

Examples of the appropriate format for each document may be found in the *Manual for Drafting Resolutions and Ordinances*.

ROUTING

The original report, attachments, and copies as shown below shall be submitted directly to the City Clerk.

Original + 1 copy for City Clerk
1 copy for City Manager
1 copy for City Attorney

Deliver one copy to the Assistant City Manager in the department which provides staffing for the commission.

E. REPORT FORMAT/ROUTING (continued)

2) Action Reports

FORMAT:

Block Form - See Exhibit C.

PAGE NUMBERING:

All pages must be numbered consecutively at the bottom of the page, 1/2" from the bottom of the paper. Do not exceed 4 pages, if possible.

PRINTING:

All pages must be printed on one side only.

NO STAPLES:

All original reports should be free of staples.

PAGE ONE:

Prepared on Commission letterhead.

PAGE TWO:

The second page and all subsequent pages of a report (if required) should be properly identified as shown in Exhibit D.

SIGNATURE:

All reports for action must be signed on the last page by the Chairperson. In the Chairperson's absence, the Secretary or Vice Chairperson may sign.

Subcommittee reports are to be submitted first to the parent commission and not directly to the Council. Only the parent commission shall submit reports to the Council.

CONTENT:

A subject which is **controversial and complex** and can be expected to generate Council discussion should be transmitted as an Action Report.

Introduction: Provides information and purpose of report.

Recommendation: Clearly and concisely states recommended Council action. "That Council...." and summarizes the recommendation approved by the commission; however, the actual vote should be shown under background.

E. REPORT FORMAT/ROUTING (continued)

2) Action Reports (continued)

Background and Analysis: Provides information to enable the Council to make an informed decision, such as prior Council actions that are relevant; analyses related to the issues; reasons for recommendation. Include facts, assumptions, related issues, alternatives, advantages and disadvantages.

REPORTS ARE TO BE SUCCINCT AND, UNLESS THE SUBJECT MATTER IS VERY COMPLEX, SHOULD BE LIMITED TO A MAXIMUM OF FOUR PAGES.

Financial Impact: If an expenditure of funds is recommended the expected cost should be stated, and whether or not the funds have been provided for in the budget. If not, an alternative source of funds should be identified.

VOTE:

The vote of the commission must be shown under Background. The statement of the Commission recommendations shall indicate the vote as follows:

Ayes: Commissioners A, B, C, E; Noes: Commissioners F, G; Abstain: Commissioner H; Absent: Commissioner D.

Commission members shall state their reasons for a vote to abstain on any matter including if the abstention was due to a conflict of interest and such reasons shall be indicated following the vote in the report to the Council.

ATTACHMENTS:

In some cases a Resolution or an Ordinance may be required. To verify the need for such a document, the item should be discussed with the Deputy City Clerk and/or the City Attorney's Office.

Examples of the appropriate format for each document may be found in the *Manual for Drafting Resolutions and Ordinances*.

E. **REPORT FORMAT/ROUTING** (continued)

2) **Action Reports** (continued)

ROUTING:

The original report, attachments, and copies as shown below, shall be submitted directly to the City Clerk.

Original + 1 copy for City Clerk

1 copy for City Manager

1 copy for City Attorney

Deliver one copy to the Assistant City Manager in the department which provides staffing to the commission.

CITY MANAGER

MEMORANDUM FORM:

At the same time a copy of the report is delivered to the City Manager as noted above, a blank City Manager's Memorandum form (Exhibit E) shall be attached.

NONE OF THE BOXES ON THIS FORM SHOULD BE CHECKED.

If any recommendation is being made to the City Manager, it should be typed on a separate piece of paper and attached to the blank Memorandum Form.

The City Manager will check the appropriate box and deliver the form to the Agenda Coordinator for inclusion with the packets. Timing is very tight on this, therefore, prompt delivery to the City Manager is essential.

The deadline for the City Manager to deliver the completed form to the Agenda Coordinator is Tuesday, noon, **seven days prior to the Council meeting.**

3) **Information Reports**

FORMAT:

See Exhibit F. Use block form.

NUMBERING PAGES:

All pages must be numbered consecutively at the bottom of the page, 1/2" from the bottom of the paper. Do not exceed 2 pages, if possible.

E. REPORT FORMAT/ROUTING (continued)

3) Information Reports (continued)

PRINTING:

All pages must be printed on one side only.

NO STAPLES:

All original reports should be free of staples.

PAGE ONE:

Prepare on commission letterhead.

PAGE TWO:

The second and all subsequent pages of a report (if required) should be properly identified as shown on Exhibit G.

SIGNATURE:

All reports for information must be signed on the last page by the Chairperson. In the Chairperson's absence, the Secretary or Vice Chairperson may sign.

Subcommittee reports are to be submitted first to the parent commission and not directly to the City Council. Only the parent commission shall submit reports to the Council.

CONTENT:

The subject matter appropriate for Reports for Information is that which seeks to: **advise or inform the Council on a subject but does not request any action** or report by the Council; respond to a Council inquiry; be of sufficient public interest to justify agenda treatment; satisfy a legal notification requirement.

Background: Provides information and purpose of report.

Status: Results or status of the topic item and the vote of the Commission (see below).

Discussion: Assumptions, constraints and a discussion of related issues.

E. **REPORT FORMAT/ROUTING** (continued)

3) **Information Reports** (continued)

VOTE

The vote of the commission must be shown under Status, and should be listed as follows:

Ayes: Commissioners A, B, C, E; Noes: Commissioners F, G; Abstain: Commissioner H; Absent: Commissioner D.

Commission members shall state their reasons for a vote to abstain on any matter including if the abstention was due to a conflict of interest and the Commission secretary shall report such reasons in transmitting the report to Council.

ROUTING

The original report, attachments, and copies as shown below, shall be submitted directly to the City Clerk.

Original + 1 copy for City Clerk
1 copy for City Manager
1 copy for City Attorney

Deliver one copy to the Assistant City Manager in the department which provides staffing to the commission.

F. **DISTRIBUTION WITH COUNCIL AGENDA PACKET**

1) **Distribution with the Agenda Packet**

Reports received by the City Clerk by the established deadline that are ready for inclusion in the Council packet will be copied and distributed by the City Clerk with all other agenda materials on the Thursday before the Council meeting by 2:00 p.m.

2) **"To Be Delivered" Items**

a. **Preparation**

On very rare occasions, a report may be identified on the agenda as "To Be Delivered". This will occur only when the subject matter is essential for that particular meeting and when the preparation of the report is delayed due to consideration of the matter at a meeting which does not provide adequate time to prepare the report for submittal at the regular deadline.

F. DISTRIBUTION WITH COUNCIL AGENDA PACKET (continued)

2) "To Be Delivered" Items (continued)

a. Preparation (continued)

When the report is submitted to the City Clerk, it must be accompanied by a "Late Item" transmittal memo signed by the secretary to the commission (Exhibit H).

b. Distribution of Copies

The necessary copies are duplicated by the commission secretary and distributed as follows:

1 Original	to City Clerk
46 Copies	to City Clerk for:
	22 for delivery to Mayor and Council
	15 for Council Meeting
	3 for City Clerk Department packets
	6 to Library
5 Copies	to City Manager
1 Copies	to City Attorney
1 Copy	to City Auditor
1 Copy	to each Affected Department (<i>more than one copy may be required if the report impacts several departments</i>)

54 + Copies necessary to affected Departments

All necessary copies of "To Be Delivered" items must be presented to the City Clerk in sufficient time to permit distribution to Councilmembers NO LATER THAN 2:00 p.m. ON THE FRIDAY PRIOR TO THE TUESDAY MEETING.

G. RESOLUTIONS/ORDINANCES ACCOMPANYING REPORTS

From time to time a commission may present a Resolution or an Ordinance to the Council for action or information.

Many actions taken by the Council do NOT REQUIRE a resolution and in many cases not having a resolution will facilitate the rapid turn-around and processing of the Council's action.

G. RESOLUTIONS/ORDINANCES ACCOMPANYING REPORTS (continued)

For example, if a commission recommends a position on legislation before the State Assembly or Senate, a resolution is not required. It takes a certain amount of time to process a resolution and to prepare the accompanying letter forwarding the resolution to the appropriate legislators. The Council's action in adopting the commission's recommendation can be forwarded to all concerned legislators by letter within two days of Council action when a Resolution is not involved. In these matters, time is usually critical and it is recommended that the Council action not be in the form of a Resolution.

Commission secretaries should contact the City Clerk to discuss the need for a Resolution so that the appropriate document can be presented in conjunction with a commission's report. The following guidelines should be followed:

a. Contact the City Clerk IN ADVANCE of preparation of a resolution to ensure that the resolution language meets established standards. This step will ultimately save a considerable amount of time and a great many corrections.

b. All resolutions should be printed on white bond paper using the proper format as shown in the *Manual for Preparation of Ordinances and Resolutions*.

c. If a resolution is being amended, the number of the resolution to be amended is that of the original resolution, not that of the most recent amendment (however, you can use the latest amendment as a sample to guide you in preparing another amendment). In addition, both the underline/strikeout version, and a final version of the amended resolution without the strikeouts/underlines, shall be attached to the report.

d. All resolutions must be carefully proof-read for accuracy.

e. Corrections made with correction fluid and/or cut and paste versions are not acceptable.

f. The original resolution should be provided separately to the City Clerk. **A copy should be attached to the report. Only the copy should be marked with a page number or as an attachment.**

The clean, unmarked Original Resolution should be delivered to the City Clerk at the same time as the original report.

H. SAMPLES OF COMMISSION REPORTS TO COUNCIL

See the following Exhibits A through H.

CITY OF BERKELEY
CONSENT CALENDAR INFORMATION

Deadline for Council Action:

Council Meeting Date: June 12, 1990

From: PLANNING COMMISSION

IT IS RECOMMENDED THAT THE CITY COUNCIL: APPROVE THE APPOINTMENT OF A MEMBER OF THE PUBLIC WORKS COMMISSION TO SERVE ON THE CITY-UNIVERSITY PLANNING COMMITTEE (CUPC).

1. COMMENTS, CITY ATTORNEY:
2. BACKGROUND AND NEED FOR COUNCIL ACTION:

The Planning Commission at its May 9, 1990 meeting voted unanimously (Davis, Gardiner absent), to recommend that the City Council approve a new appointment of a commissioner from the Public Works Commission to serve on the CUPC. The CUPC was founded in 1988 to advise the City, and specifically the Planning Commission on matters pertaining to University planning and development, particularly as related to the Long Range Development Plan (LRDP). Two members were appointed by the Planning Commission and one each were designated from the Board of Adjustments, the Landmarks Preservation Commission and the Transportation Commission. The Public Works Commission has taken an active interest in the LRDP and its associated projects. It has already commented on several UC project EIRs. It is the view of members of the CUPC and the Commission that permitting this appointment will better enable the committee to truly be an "inter-commission body" and provide it with an important public works perspective for evaluating and commenting on LRDP projects.

3. FINANCIAL IMPLICATIONS (include any dollar amount, in-kind services, multi-year commitment) AND SOURCE OF FUNDS (for both cash and in-kind services; indicate if amount is currently budgeted and requirement for budget code). IF SUBMITTAL, AUTHORIZATION OR EXECUTION OF GRANTS IS INVOLVED (includes new grants or modification) AN FN006 (budget modification form) SHOULD BE SUBMITTED WITH ITEM. ITEM WILL NOT BE PROCESSED UNLESS FN006 IS INCLUDED.

None.

4. COUNCIL POLICY AND LEGISLATIVE HISTORY, IF ANY:

Council previously established the CUPC and determined its composition.

5. COMMUNITY GROUPS AFFECTED:

All Berkeley residents and U.C. Berkeley students.

6. NAME, TITLE AND TELEPHONE NUMBER OF PERSON(S), DEPARTMENT(S), BOARD(S), COMMISSION(S), COMMITTEE(S) TO CONTACT FOR ADDITIONAL INFORMATION.

Carl Anthony, Chair, Planning Commission.....547-1794

70 Gil Kelley, Secretary, Planning Commission.....644-6534

CITY OF BERKELEY
CONSENT CALENDAR INFORMATION

Deadline for Council Action: July 16, 1991

Council Meeting Date: July 16, 1991

From: TRANSPORTATION COMMISSION

IT IS RECOMMENDED THAT THE CITY COUNCIL: TAKE A POSITION OPPOSING THE BUSH ADMINISTRATION PROPOSAL FOR THE REAUTHORIZATION OF THE SURFACE TRANSPORTATION ACT AND SUPPORT S 965, THE SURFACE TRANSPORTATION EFFICIENCY ACT.

1. COMMENTS, CITY ATTORNEY:

2. BACKGROUND AND NEED FOR COUNCIL ACTION:

At its May 14, 1991 meeting, the Transportation Commission voted to recommend to the Council that the City of Berkeley take a position opposing the Bush Administration proposal for the reauthorization of the Surface Transportation Act. M/S/C/ (Martin/Jaeger) Ayes: Barbara Gansmiller, Miriam Hawley, Fritz Jaeger, Charles Martin, Donna Mickleson; ← **
 Noes: None; Abstain: None; Absent: Paul Rabinow.

At the same meeting the Commission recommended that the City support S 965, The Surface Transportation Efficiency Act. M/S/C (Martin, Mickleson) Ayes: Barbara Gansmiller, Miriam Hawley, Fritz Jaeger, Charles Martin, Donna Mickleson; Noes: None; Abstain: None; Absent: Paul Rabinow. ← **

The Bush Administration proposal would discontinue operating aid to transit in metropolitan areas with over one million people. As a result Bay Area transit operators could lose up to \$26.1 million annual. In addition, the federal match for transit capital spending would be reduced. These provisions, along with others, mean that it is likely that under this proposal there would be a decrease of up to 20% in federal funding for transit while spending for highways would increase up to 40%.

S 965, on the other hand, promotes a multi-modal transportation system and allows a portion of federal highway funds to be spent on transit, bike and pedestrian facilities. It doubles the funding for planning and calls for federal transportation decisions to be based on metropolitan and state land use plans. In addition it creates a clean air program providing \$5 billion to states over five years.

An amended version of S 965 has passed the Senate. Both California senators voted for it. The House is now considering its version. Any bill needs to survive the possibility of presidential veto.

<p>** Unless the vote is divided, it is sufficient to say: Ayes - Unanimous; Absent - Rabinow.</p>
--

SUPPORT THE SURFACE TRANSPORTATION EFFICIENCY ACT

CONSENT

July 16, 1991

Letters should be sent to President George Bush, Senators Alan Cranston and John Seymour, Representative Ronald V. Dellums, also Lawrence D. Dahms, Metropolitan Transportation Commission.

FINANCIAL IMPLICATIONS (include any dollar amount, in-kind services, multi-year commitment) AND SOURCE OF FUNDS (for both cash and in-kind services; indicate if amount is currently budgeted and requirement for budget code). IF SUBMITTAL, AUTHORIZATION OR EXECUTION OF GRANTS IS INVOLVED (includes new grants or modification) AN FN006 (budget modification form) SHOULD BE SUBMITTED WITH ITEM. ITEM WILL NOT BE PROCESSED UNLESS FN006 IS INCLUDED.

None.

4. COUNCIL POLICY AND LEGISLATIVE HISTORY, IF ANY:

The Bush Proposal contains funding priorities which are contrary to Berkeley's policies to encourage the use of transit and other alternatives to the automobile. S 965 is consistent with City of Berkeley policies in several areas.

5. COMMUNITY GROUPS AFFECTED:

All Berkeley citizens, in particular transit users, bicyclists, pedestrians, commuters.

6. NAME, TITLE AND TELEPHONE NUMBER OF PERSON(S), DEPARTMENT(S), BOARD(S), COMMISSION(S), COMMITTEE(S) TO CONTACT FOR ADDITIONAL INFORMATION:

Miriam Hawley, Chair, Transportation Commission.....549-1386
Susan Sanderson, Secretary Transportation Commission.....644-6490



City of Berkeley

Health and Human Services Department
 Martin Luther King, Jr.
 Civic Center Building
 2180 Milvia Street, 3rd Floor
 Berkeley, California 94704

(510) 644-6915 • FAX (510) 644-6015



FOR COUNCIL ACTION
 February 4, 1992

To: Honorable Mayor and
 Members of the City Council

From: Human Welfare and Community Action Commission

Subject: EMERGENCY FUNDING SUPPORT FOR THE BERKELEY DROP-IN CENTER

Introduction

Since March 1989, the Berkeley Drop-In Center, along with an Oakland based self-help center, have participated in a consumer-run demonstration project for the National Institute of Mental Health. The project called the Coordinated Self-Help System was administered by the Alameda County Network of Mental Health Clients (ACNMHC). The goal of the project was to coordinate the administrative functions of the two centers, and later, two smaller self-help programs which have become participating members of ACNMHC. The project has also enabled each center to provide additional services for the clients. The Berkeley Drop-In Center has been able to create a Service Advocacy Department.

The grant for this demonstration project will terminate in March 1992. If the Berkeley Drop-In Center is not able to find new funds to replace this grant, the additional program services will be gutted.

The Human Welfare and Community Action Commission strongly urges that the City Council give support to this needed project.

RECOMMENDATION

That the City Council provide \$7,323 in emergency funds to the Berkeley Drop-In Center which is anticipated to be matched with a grant of \$3,371 from the East Bay Community Fund. In the event that the East Bay Community Fund does not provide funds, this Commission recommends that Council provide the full \$10,694 needed in emergency funds.

Background

The Human Welfare and Community Action Commission at its regular meeting on December 18, 1991 passed the preceding motion, by a vote of 7-0-6 (M/S/C Friedman/Holland; Ayes: Bridgewater, Friedman, Gagliardi, Harris, Holland, Jang, Jordan; Noes: None; Abstain: None; Absent: Bell, Burrus, Horner, Kletz, Stein, Trinkl).

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Human Welfare
 Community Action
 Commission
 (510) 644-6080

Youth Commission
 (510) 644-6226

Parks & Recreation
 Commission
 (510) 644-6530

Commission on
 Aging
 (510) 644-6050

Civic Arts
 Commission
 (510) 644-6080

Commission on the
 Status of Women
 (510) 644-6080

**EMERGENCY FUNDING SUPPORT FOR
THE BERKELEY DROP-IN CENTER**

FOR COUNCIL ACTION
February 4, 1992

The demonstration project supports 1 1/2 days of drop-in activity, paying for 1/2 of the Activities Coordinator's salary. It is responsible for 33% of the client contacts within the drop-in component. This translates into an average of fifty-five (55) client contacts per month. Without replacement funds, the Center will be forced to reduce its days of operation to three (3). The absence of 1 1/2 days of operation would adversely affect Berkeley in that the Center (except for the largely volunteer Women's Daytime Drop-In Center) is the only daytime facility for all of Berkeley's homeless and near homeless population.

The demonstration project also supports all of the Service Advocacy Department. It pays for two (2) positions whose duties are to provide a full range of support services from providing housing assistance to money management counseling to clients on site and in the field. Since its inception, the Service Advocacy Department has assisted 265 individuals.

Without continued support when the demonstration project grant ceases, these additional services will have to be cut. The Drop-In Center desperately needs this bridge funding for the period of March 1992 to June 1992. The Center is in the process of negotiating with the County of Alameda for continued support of the program in fiscal year 1992-93.

Financial Impact

Increase of \$10,694 to the fiscal year 1991-92 budget.

Contact Person

Ah Biayed Harris, Chairperson-HWCAC 841-9518
Manuel Hector, Secretary-HWCAC 644-6080

Ah Biayed Harris
AH BIAYED HARRIS, Chairperson

City of Berkeley

City Manager's Office
 Martin Luther King, Jr.
 Civic Center Building
 2180 Milvia Street
 Berkeley, California 94704

(510) 644-6580



MEMORANDUM

Date: (date of Council meeting)

To: Honorable Mayor and
 Members of the City Council

From: (City Manager's Name), City Manager

Subject: (Insert title of Report)
 from (Insert name of Board/Commission/Committee)

- ☐ I concur with the content and recommendations of the attached report.
- ☐ There has been insufficient time to consider the implications of the recommendations, and I request no action be taken until I have had an opportunity to respond at the meeting of _____.
- ☐ The recommendations contained in this report affect budget and/or other programs. Please take no action until these matters have been considered and a report can be submitted for Council consideration at the meeting of _____.
- ☐





City of Berkeley

Health and Human Services Department
Martin Luther King, Jr.
Civic Center Building
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Berkeley, California 94704
Telecommunications Device for the Deaf
(510) 644-6915 FAX (510) 644-6015

FOR COUNCIL INFORMATION
January 14, 1992

To: Honorable Mayor and
Members of the City Council

From: Human Welfare and Community Action Commission

Subject: COMPLIANCE WITH THE CITY'S NO-SMOKING ORDINANCE

Background

We are sending this memorandum to you as a report regarding the need to ensure that the staff and clients of Berkeley social welfare services, including all programs funded by the City of Berkeley Community Services Block Grant (CSBG) and Community Development Block Grant (CDBG) funds, are not subject to second hand smoke. Even though Berkeley does have a no-smoking ordinance that should protect clients and workers from having to breathe other people's smoke, the Commission is aware that the ordinance is not always being respected.

Status

At its meeting of December 18, 1991, the Human Welfare and Community Action Commission took the following action:

M/S/C (JORDAN/FRIEDMAN) "THE HUMAN WELFARE AND COMMUNITY ACTION COMMISSION RECOMMENDS TO THE CITY COUNCIL THAT COPIES OF THE NO-SMOKING ORDINANCE BE SENT TO ALL AGENCIES PROVIDING SOCIAL WELFARE SERVICES, INCLUDING PROGRAMS FUNDED BY THE CITY OF BERKELEY CSBG AND CDBG FUNDS, WITH A COVER LETTER INDICATING THAT THESE AGENCIES NEED TO COMPLY." (AYES: Bridgewater, Friedman, Harris, Holland, Jang, Jordan, Gagliardi; NOES: None; ABSENT: Bell, Burrus, Horner, Stein, Trinkl)

Discussion

As you are well aware, numerous studies have shown that breathing second hand smoke is a major contributor to indoor air pollution, as well as a significant health hazard. According to a 1991 report by the Environmental Protection Agency (EPA), second hand smoke is responsible for killing more than 50,000 Americans each year.

More and more we are learning of the heavy toll that second hand smoke takes on children, both born and unborn. A recent Canadian study has found that women who do not smoke, but who breathe the smoke of others at home or work, gave birth to infants who showed significant deficiencies in speech and language development, intelligence, school performance and behavior.

COMPLIANCE WITH NO-SMOKING ORDINANCE

FOR COUNCIL INFORMATION
January 21, 1992

We are aware that the population served by social service agencies include many clients who do smoke. It is equally true that the clients include a great many non-smokers, many of whom already suffer a variety of health problems, and whose options for services are quite limited. It is our concern that their right to breath smoke-free air be protected.

Ah Biayed Harris
Ah Biayed Harris, Chairperson



City of Berkeley

Energy Commission
Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street—3rd Floor
Berkeley, California 94704
Telecommunications Device for the Deaf (415) 644-6915

(415) 644-6309

LATE LATE LATE LATE LATE ★ AGENDA ITEM ★

July 20, 1990

To: Honorable Mayor and
Members of the City Council

From: Chairperson Blumstein, Energy Commission

Subject: INCLUSION OF AGENDA ITEM IN YOUR COUNCIL PACKET FOR JULY 24, 1990

Please include the following attached agenda item in your Council packet for July 24, 1990:

G.(c)2. - Use of portable gasoline-powered leaf blowers
in Berkeley

Attachment

cc: City Manager
City Attorney
Auditor
City Clerk
Library
Asst. City Mgr. for
Economic Development

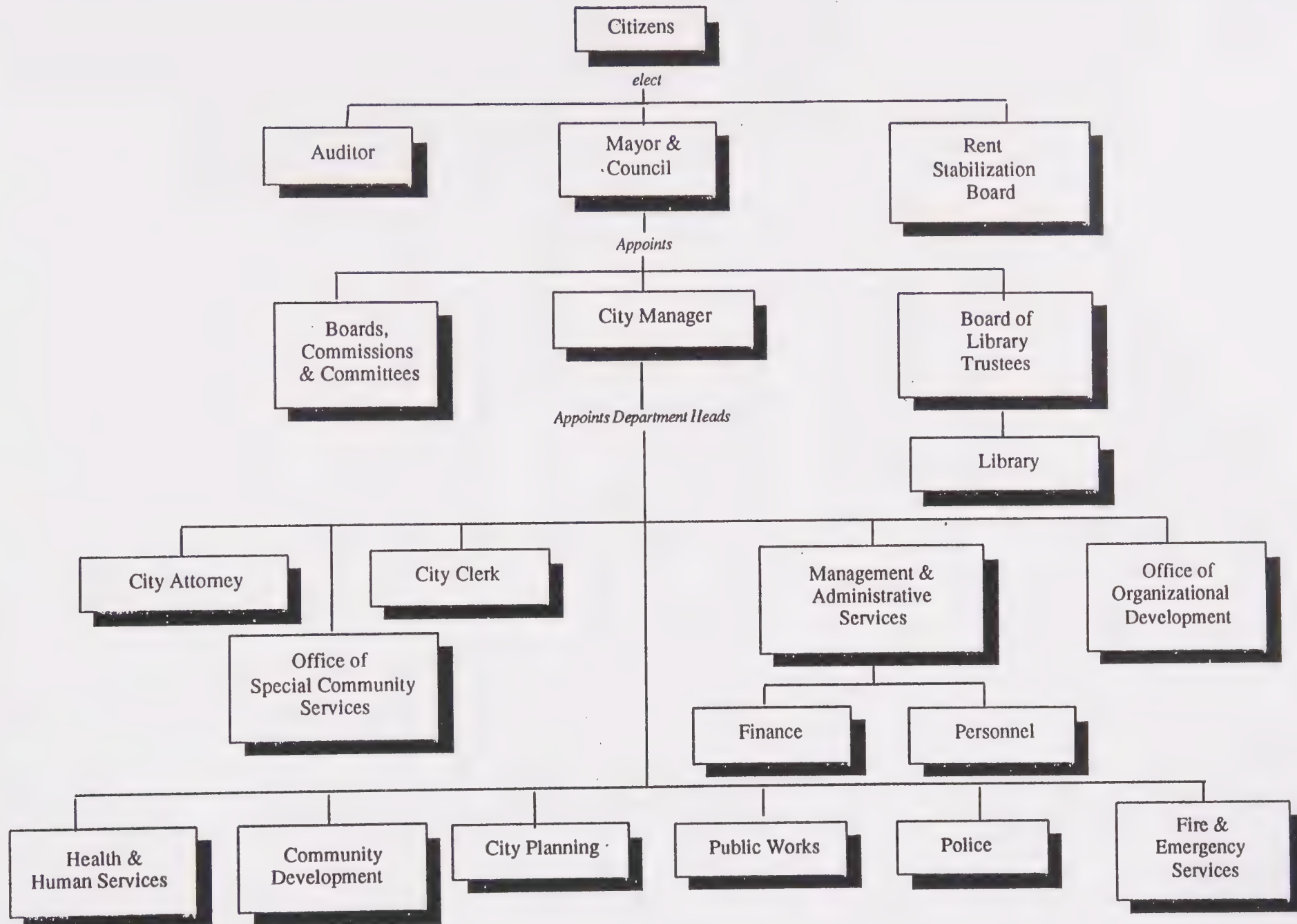


CHAPTER VI
GENERAL INFORMATION

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City of Berkeley Organization Chart

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CITY OF BERKELEY CHARTER

Section 36. Officers not to be interested in contracts or franchises.

No officer or employee shall be directly or indirectly interested in any contract, work or business of the City, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the City or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the City. No officer shall be in the employ of any public service corporation in the City or of any person having any contract with the City or of any grantee of a franchise granted by the City.

Provided, however, the prohibitions in this Section contained shall not apply to the following:

(a) Members of advisory Boards, Commissions, or Committees of the City, who serve without salary or other compensation; provided, however members of Boards, Commissions or Committees which perform functions other than advisory functions shall not be included within this exception.

(b) Officers or employees of the State of California or of any department, division, or constitutionally created agency thereof.

Any contract or agreement made in contravention of this Section shall be void.

Any violation of the provisions of this Section shall be deemed a misdemeanor.

The Council shall enforce the provisions of this Section by appropriate legislation.

INTERPRETING CITY CHARTER SECTION 36.

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Findings. The Council finds that:

A. For many years the Berkeley City Council has relied on an extensive system of Advisory Boards and Commissions in the formulation of public policy, and approximately 30 Commissions, with more than 250 members meet on a regular basis to reflect and express a broad spectrum of citizen opinion on civic issues.

B. The City benefits from this network of democratic participation because it provides a structured setting within which the viewpoints and experience of citizens can supplement the technical expertise of City staff professionals. In addition this system allows the City to benefit from the wide variety of experience and specialized knowledge of selected citizens--in Berkeley, often at the cutting edge of their fields--that are sources of innovation and sensitive response to public needs.

C. The citizens on Berkeley's Boards and Commissions serve out of the desire to discharge civic responsibility. They are not (with the exception of the Police Review Commission and the Rent Stabilization Board) paid for their services and, in most cases, are not reimbursed for expenses they incur.

D. A Commissioners' responsibilities are substantial, and entail a significant expenditure of time. Often, they are called upon to make difficult judgements and arrive at unpopular conclusions.

E. For this system of democratic participation to continue to function effectively, it is essential that citizens who volunteer their services to the City not incur unwarranted personal risk as they participate on Boards and Commissions.

F. Charter Section 36 prohibits an officer from being directly or indirectly interested in any contract, work, or business of the City. Although this section exempts members of Advisory Boards, Commissions, or Committees who serve without salary or other compensation, members of Boards, Commissions, or Committees which perform functions other than advisory functions are subject to this prohibition.

G. Conflict of interest legal issues, especially those raised under the City Charter Section 36, are extremely complex, turn on subtle nuances of fact, and the legal terms used often have meanings different from their common sense construction.

H. The ambiguities in Section 36 deter many qualified Citizens from serving as Commissioners for fear that they may inadvertently violate the Charter.

I. There is therefore a need to clarify the provisions of the City Charter and to balance the City's interests in preventing the use of public office for private gain against the City's need for diverse community representation on its Boards and Commissions.

J. City Charter Section 36 (b), authorizes the Council to enact appropriate legislation to implement the provisions of City Charter Section 36 and Charter Section 118 authorizes the Council to enact legislation which may be necessary and proper to carry out any of the provisions of the Charter.

K. Enactment of legislation clarifying and implementing Section 36 is necessary and proper for the reasons set forth above.

Section 2. Definitions:

For purposes of determining whether a member of a Board and Commission has a prohibited interest in a contract, work or business of the City within the meaning of Charter Section 36 and this Ordinance, the following definitions shall apply:

(a) "Advisory Board or Commission.

All Boards and Commissions of the City shall be deemed advisory except in instances when the Board or Commission is performing other than an advisory function as defined in sub-section "b" below.

(b) Performance of other than advisory functions.

A Board or Commission will be deemed to perform other than an advisory function and to be subject to this Ordinance and Section 36 only with respect to any contract, work or business of the City, the making or securing of which is influenced either directly or indirectly by the Board or Commission. A Board or Commission directly or indirectly influences the making or securing of a contract, work or business of the City whenever it engages in actions, including but not limited to, formally or informally reviewing a contract, reviewing a bid specification or request for proposal, discussing funding of an activity, discussing priorities for funding, or making general policy, implementation of which results in the making or securing of a contract, work or business for the City.

(c) "Interested;" Exclusions

A City employee or member of a Board or Commission shall not be deemed to be "interested" in a contract, work or business of the City if his or her relationship with the contracting party or entity constitutes a "remote interest" within the meaning of Government Code sections 1091 and 1091.5, the fact of such interest is disclosed to the Department, Board or Commission of which he or she is a member and noted in its official records, and the employee or member with such interest disqualifies himself or herself from participating in any manner, either directly or indirectly, in making or influencing any decision related to the contract, work or business of the City in which he or she has a remote interest.

Section 3. Contract, Work or Business of City; Prohibitions.

No member of a Board or Commission shall be directly or indirectly interested in any contract, work or business of the City as defined in Section 2c herein if the Board or Commission of which he or she is a member has performed other than advisory functions as defined in Section 2b herein, with respect to such contract, work, or business of the City.

Section 4. Ordinance declaratory of existing law.

This ordinance is declaratory of and does not constitute any change in existing law.

Section 5. Copies of this bill are hereby ordered published by posting with the vote thereon for two (2) days at ten (10) prominent places in the City of Berkeley as designated by Chapter 1.08 of the Berkeley Municipal Code.

In effect: December 19, 1985

"EXCERPT FROM BERKELEY MUNICIPAL CODE"

2.04.140 Residency requirements.

Members of boards, commissions, and committees appointed by the council or individual council members, shall be residents of the city unless the member is required by federal or state law or the ordinance or resolution establishing the board, commission or committee to represent a specified organization, agency, group, category or profession. The term of any member of a board, commission, or committee shall terminate if that member is no longer a resident of Berkeley or if the member, while intending to return, does not reestablish a place of residence in the city within six months after leaving the city. (Ord. 5430-NS § 1, 1982: Ord. 4803-NS § 1, 1975.)

RESOLUTION NO. 53,075-N.S.

ESTABLISHING CERTAIN RIGHTS AND CERTAIN OBLIGATIONS FOR ALL
BOARDS/COMMISSIONS/COMMITTEES IN THE CITY OF BERKELEY

WHEREAS, it is the desire of the City Council to increase the effectiveness of Berkeley's Board/Commission/Committee system, and

WHEREAS, the City Council believes effectiveness will be improved by establishing certain guidelines to be followed by the City Council, all Boards/Commissions/Committees and City Staff,

NOW, THEREFORE, Be it Resolved that the following guidelines are hereby established; said guidelines to be incorporated into the Commissioner's Handbook:

A. REFERRALS PRIOR TO COUNCIL ACTION

1) It shall be the policy of the City that Boards/Commissions shall be given an opportunity to review items relevant to their charge.

2) City Staff shall advise Boards/Commissions of items requiring Council action in the development stage.

3) Each item presented to the City Council on the action calendar, whether generated by City Manager, Councilmembers or Commissions, shall indicate to whom the item has been referred, the date of referral, and any response. Each Board/Commission may elect to respond by means of a separate communication.

B. COMMUNICATING WITH COUNCIL

1) Addressing Council at Council Meetings

a) The authorized representative of a Board/Commission shall have the right to address the City Council on matters within

their charge at the time an item is heard. Each Board/Commission may present a majority and minority position.

b) Authorized representatives of Boards/Commissions shall address Council from the Staff table in front of the Council.

c) Board/Commission members not delegated to speak as the official representative may utilize the Open Mike and may be asked questions by Councilmembers.

2) Presenting Agenda Items

a) Boards/Commissions shall submit items to the City Council in the following manner: Upon the direction of a Board/Commission, Staff shall prepare and submit an item for the Council agenda. Submittal is to be direct to the City Clerk no later than three weeks following Board/Commission action. Deadline for submittal to the City Clerk is Noon, Monday, eight days prior to the Council meeting.

b) If a Board/Commission determines that a matter must be brought to Council attention and that severe detriment will occur by a three week delay, then Staff may be directed to submit the communication to the City Clerk by the deadline of Noon, Monday, eight days prior to the Council meeting.

c) Board/Commission reports shall be submitted as approved by the Commission or its designee.

d) In connection with a response to a Council referral or in connection with a subject scheduled for Council agenda, (excepting quasi-judicial matters) any Board or Commission may communicate the opinion of fewer members than the officially required majority.

3) Late Comments on Council Agenda Items

a) When normal agenda deadlines have passed, and a Board/Commission wishes to comment on a matter on the Council agenda, a late communication may be presented to the City Clerk for inclusion in the Supplementary Communication packet. Deadline for such submittal is 3:00 p.m. the day of the Council meeting.

b) Additional copies of supplemental communications should be provided to Councilmembers and Staff at the earliest possible time.

4) Responding to Referral from the City Council

a) The process outlined in B(2) shall be used.

5) Adhering to Council Rules and Regulations

a) Boards/Commissions shall adhere to City Council Rules and Regulations governing which meetings are appropriate for submittal of consent and action items.

C. RECEIVING INFORMATION

1) Boards/Commissions are entitled to request, by majority vote, information from City Staff, providing such requests can be accommodated within current work plans.

2) All written communications sent to Boards/Commissions shall be distributed to all members in the packet or at the next meeting.

3) The Chair of each Commission shall receive copies of both on-agenda and relevant off-agenda written materials on subjects within their jurisdiction at the same time such materials are forwarded to the City Council, except for confidential material.

4) Late or Emergency items for Council action will be available in the reference binder in the City Clerk's Office and at the Council meeting. The Council summary will flag late items.

5) The roster of Board/Commission members shall be distributed to the Secretary and the Chair of each Board/Commission.

6) The City Clerk shall mail the Council summary to the Chair of each Board/Commission.

7) The Secretary of each Board/Commission shall provide, at the request of the full Board/Commission or individual members thereof, copies of the Council summary at the next regularly scheduled meeting.

8) The Secretary of each Board/Commission shall offer members an opportunity to be added to the Council agenda mailing list in September of each year.

D. ROLE OF STAFF

1) The City Manager shall assign a Staff person to act as Secretary to each Board/Commission, who shall be responsible to assist that Board/Commission.

2) The City Manager shall on an annual basis solicit the opinion of each Board/Commission regarding staff service provided.

3) The City Manager shall forward a separate report to Council which highlights the nature of any difference and any alternative recommendations in those cases where the City Manager differs with the recommendation of a Board/Commission.

4) The City Manager shall forward a copy of a report generated under D(3) to the Board/Commission at the same time copies are sent to the City Council.

5) The City Manager shall be provided copies by Board/Commission of each report or communication directed to the City Council at the same time the report is submitted to the City Clerk.

E. ESTABLISHING SUBCOMMITTEES

1) Each Board/Commission shall have the right to establish a single purpose subcommittee when needed which is responsible to the parent body.

2) The subcommittee shall be composed solely of less than a quorum of the parent body and shall be chaired by one of its members.

3) It is the policy of the City Council that each subcommittee shall seek input from citizens, related Board/Commissions and other groups.

4) Upon creation of the subcommittee, the parent body shall allow it to operate with the following parameters:

a) A specific charge or outline of responsibilities shall be established by the parent body.

b) If the subcommittee is to hold public hearings, specific direction must be given by the parent body.

c) A target date must be established for report back to the parent body.

d) Maximum life of the subcommittee shall be one year, with annual review and possible extension by the parent body.

5) In the rare cases where it is deemed necessary to establish a joint subcommittee between Boards/Commissions, the joint subcommittee shall be approved by the City Council and members designated by the City Council.

6) All subcommittee meetings must be held in public places.

In effect: February 4, 1986

Revised to: September 15, 1987

NOTICE TO POTENTIAL CANDIDATES FOR BERKELEY ELECTIVE OFFICE AND
INDIVIDUALS INTERESTED IN SERVING AS MEMBERS OF CITY BOARDS
AND COMMISSIONS

BE IT RESOLVED by the Council of the City of Berkeley as follows:

WHEREAS, conflict of interest issues are often complex, creating ambiguities which may deter many qualified and interested citizens from serving as elected officials or members of the City's boards and commissions; and

WHEREAS, there is a need to alert potential candidates for office and prospective appointees to boards and commissions of the existence of such conflict of interest laws and to encourage such individuals to seek out advice when questions arise pertaining to their particular situation.

NOW, THEREFORE, Be It Resolved by the Council of the City of Berkeley that the City Clerk be instructed to provide the following notice to individuals expressing interest in candidacy for Berkeley elective office and for appointment to the City's boards and commissions:

"The purpose of this notice is to alert you to State and local conflict of interest provisions. These provisions may prohibit you, members of your family, or your employer from having any financial relationship -- such as a contract or consultant position -- with the City, the Berkeley Housing Authority, and the Berkeley Redevelopment Agency, during the term of your office; for members of the City Council such prohibition can extend in certain instances for a one-year period following the conclusion of the term of office.

If a prohibited interest exists, the financial relationship may have to be terminated; for example, a contract may not be renewed or created, a consultant position may have to be withdrawn, your employer or a family member may be required to cease conducting business with the City.

Statements of Economic Interest are required to be filed by elected officials and appointed members of boards and commissions. The information disclosed in such statements provides the public with information concerning the financial interests of those serving in a public or official capacity, as well as assisting in the determination of whether certain of the interests disclosed require appropriate further action. The specific prohibitions applicable to potential conflicts of

interest are not deemed "satisfied" or "cured" simply by filing the economic interest statements and disclosing the relevant financial interests; such a filing is a state-mandated requirement and is separate and distinct from any prohibitions that may be imposed as a result of an existing or future financial relationship with the City.

If you are uncertain as to whether existing or future financial interests you, your family, or your employer may have with the City constitute a potential conflict which would require termination or other remedial action upon your assuming elective office or upon your appointment to a City board or commission, you are encouraged to seek further information from the City Attorney's Office by providing a written description of your financial interest or relationship with the City and the elective or appointive position which you are seeking. It is your obligation to seek such advice and to bring any such potential conflicts to the City's attention. The City will not independently investigate the background or financial statements of candidates for elective or appointive office in order to detect potential conflicts of interest."

In effect: November 3, 1987

RESOLUTION NO. 53,575 -N.S.

ESTABLISHING RULES CONCERNING POSTING OF AGENDAS, LIMITATION ON ACTION NOT ON POSTED AGENDA, AND COMMENTS FROM THE PUBLIC.

BE IT RESOLVED by the Council of the City of Berkeley as follows:

WHEREAS, certain new requirements of the "Brown Act" require Berkeley's Boards, Commissions, and Committees to refine notice and meeting practices;

NOW, THEREFORE, BE IT RESOLVED the following rules are to be implemented by each Board, Commission, Committee, and Task Force of the City of Berkeley commencing January 1, 1987, except for Sub-Committees of these bodies composed solely of less than a quorum of the body:

1. POSTED AGENDAS

The Secretary shall post each agenda of a regular or adjourned regular meeting at least 72 hours in advance of said meeting at a location established for such purpose by the City Manager. A copy of such agenda shall be made available to the City Clerk.

The Secretary shall maintain an affidavit indicating the location, date and time of posting of each agenda.

2. NO ACTION PERMITTED

No item of business shall be introduced or acted upon before a Board, Commission, or Committee without prior thereto having been published on the agenda of the meeting and posted in accordance with Section 1, above, a description of the subject matter and general nature of the item and action requested, if any.

3. EXCEPTIONS

Matters not included on the published agenda may be discussed and acted upon provided that:

a) Upon the vote of 2/3 majority of the membership of the body, or by unanimous vote if less than 2/3 of the body's membership is present, the Board, Commission, Committee or Task Force finds that the need to take action arose subsequent to the posting of the agenda and was not omitted from the posted agenda due to reasons of scheduling convenience or oversight; or

b) The item was included in a properly posted agenda for a prior meeting occurring not more than five days prior to the meeting at which the action is contemplated and was continued to the meeting at which the action is contemplated.

4. PUBLIC COMMENTS

Every Board, Commission, and Committee shall provide an opportunity for the public to address the Board, Commission, or Committee at the beginning of each meeting on items of interest to the public within the body's subject matter jurisdiction.

Boards, Commissions, and Committees may adopt procedures setting aside a fixed period of time to receive public comment early in the meeting. Boards, Commissions, and Committees may decline to permit public comment at other times during the meeting, except as required for public hearings on particular matters.

Public comment which is a part of required public hearings should continue to be heard at the time the item is before the body.

Boards, Commissions, and Committees may not act on a subject raised under public comment and which is not on the posted agenda. Any such matters may be placed on the next agenda duly posted in accordance with this resolution.

In effect: December 16, 1986

RESOLUTION NO. 51,728 -N.S.

ADOPTING POLICY REQUIRING ACCESSIBILITY BY PHYSICALLY HANDICAPPED TO ALL CITY COUNCIL, BOARD, COMMISSION AND COMMITTEE MEETINGS.

WHEREAS, in July 1978, at the direction of the City Council, the City Manager established a Task Force on disability to review the City's policies and facilities and to determine the City's obligation to the disabled, within the law; and

WHEREAS, despite problems encountered by the Task Force, the City has continued its historical support and ongoing efforts of providing City resources to address the problems and needs of the disabled community; and

WHEREAS, in January 1980, the Mayor, with the approval of the City Council, established a Task Force on Disabled Persons; and

WHEREAS, on January 25, 1983, the City Council accepted the Mayor's Task Force report on Accessibility of City Buildings and Parks; and

WHEREAS, on January 25, 1983, the City Council directed the City Manager to prepare a resolution for Council approval directing that the City Council and City Boards, Commissions, Committees, and City-sponsored committee meetings be held in locations accessible to the physically handicapped.

NOW, THEREFORE, Be it Resolved by the Council of the City of Berkeley that it hereby adopts a policy requiring that the City Council and City Boards, Commissions, Committees, and City-sponsored committees conduct their meetings at locations accessible to the physically handicapped.

FURTHER, RESOLVED, that said meetings be held at locations specified in the list attached hereto, marked Exhibit A and made a part hereof, which have entrances accessible to the handicapped, said meetings to be held at locations not accessible to the handicapped only if none of the locations listed in Exhibit A are available on the specified meeting date, or if available locations do not have adequate seating capacity.

- | | |
|---|---|
| 1. Berkeley City Council Chambers
2134 Grove Street | 12. Lunchroom, Ground Floor
2180 Milvia Street |
| 2. Berkeley Community Theater * ***
2216 Milvia Street | 13. Lunchroom, Ground Floor
2134 Grove Street |
| 3. Florence Schwimley * ***
Little Theater - Allston Way
between Grove and Milvia | 14. West Branch Library
1125 University Avenue |
| 4. Berk. Veterans Mem. Bldg. * **
1931 Center Street | 15. Berkeley Marina, Conference Room
201 University Avenue
(Handicapped Restroom available
after 6/1/83) |
| 5. West Campus School Auditorium *
1222 University Avenue | 16. Grove Recreation Center
1730 Oregon Street |
| 6. Washington School Auditorium *
2300 Grove Street | 17. James Kenney Rec. Center
Eighth and Delaware |
| 7. Willard Jr. High School Auditorium *
2425 Stuart Street | 18. Live Oak Recreation Center
1301 Shattuck Avenue |
| 8. Cragmont School Auditorium
830 Regal Rd. | 19. San Pablo Recreation Center *
Mabel and Oregon Streets |
| 9. North Berkeley Senior Center
1901 Hearst Avenue | 20. Berkeley Repertory Theater **
2025 Addison Street |
| 10. So. Berkeley Sr. Center
2939 Ellis Street | 21. South Berkeley YMCA *
2901 California St. |
| 11. West Berkeley Senior Center
1900 - 6th Street | 22. Zellerbach Hall (UC) **
Bancroft and Dana |

*Restrooms not accessible to handicapped

**Renal charge

***Handicapped accessibility very difficult

No cost to City for use of School District facilities

PLEASE NOTE:

THIS RESOLUTION IS OUTDATED AND IS IN THE PROCESS OF BEING AMENDED. ALL LOCATIONS MAY NOT BE AVAILABLE ANYMORE. PLEASE CONTACT THE CITY CLERK OFFICE (644-6480) FOR AVAILABILITY OF CURRENT SITES.

In effect: April 11, 1983

AUTHORIZING REIMBURSEMENT IN LIEU OF ACTUAL EXPENSES PAID OR INCURRED BY MEMBERS OF CERTAIN BOARDS, COMMISSIONS AND COMMITTEES, AND AUTHORIZING PAYMENT OF ACTUAL EXPENSES UNDER CERTAIN TERMS AND CONDITIONS.

BE IT RESOLVED by the Council of the City of Berkeley as follows:

WHEREAS, it is in the public interest to remove barriers from citizen participation on boards, commissions and committees of the City of Berkeley; and

WHEREAS, the Council of the City of Berkeley finds that expenses incident to attending official meetings of said boards, commissions and committees create an economic hardship on some of the members of said bodies by reason of limited economic resources; and

WHEREAS, the Council of the City of Berkeley finds and determines that it is in the public interest to alleviate this hardship by reimbursing and paying certain minimum allowances for expenses incident to attending official meetings of said bodies; and

WHEREAS, such allowances are determined to be in lieu of actual expenses paid or incurred by said members, except in the case of actual expenses incurred for child care and actual expenses incurred by a member who must employ a paid attendant to provide care for a dependent elderly person while he or she attends meetings; and

WHEREAS, the Council of the City of Berkeley finds that members with severe disabilities require support services, such as readers and attendants, in order to participate fully in board, commission and committee deliberations; and

WHEREAS, the Council of the City of Berkeley finds and determines that it is in the public interest to reimburse for these support costs when they create an economic hardship for disabled members of boards, commissions, and committees.

NOW, THEREFORE, Be it resolved that payment of allowances in lieu of actual expenses incurred is hereby authorized, and that members of boards, commissions and committees will be reimbursed for actual expenses incurred by members for:

1. child care while the member attends meetings;
2. a paid attendant to provide care for a dependent elderly person while the member attends meetings;
3. support services, such as a reader or attendant, which enable severely disabled members to participate fully in board, commission or committee meetings.

Section 1. ELIGIBILITY OF BOARDS, COMMISSIONS AND COMMITTEES.

All Council appointed members of boards, commissions and committees who meet the criteria set forth in Sections 2 or 3 of this resolution are eligible.

Members appointed to the following boards, commissions and committees are eligible:

Berkeley Energy Commission
Berkeley Fair Campaign Practices Commission
Board of Library Trustees
Cable Television Task Force
Citizens Budget Review Commission
Citizens Humane Commission
Citizens Review Task Force for Disaster Planning
Civic Arts Commission
Commission on Aging
Commission on Disability
Commission on Labor
Commission on the Status of Women
Community Environmental Advisory Commission
Community Health Commission
Design Review Committee
Housing Advisory Commission
Human Welfare and Community Action Commission
Independent Task Force on Homelessness
Landmarks Preservation Commission
Loan Administration Board
Members of Temporary Task Forces and Joint
 Subcommittees where membership is composed
 of Council appointed board/commission members
Mental Health Advisory Board
Miles Cutter Lab Advisory Committee
Parks and Recreation Commission
Peace and Justice Commission
Personnel Board
Planning Commission
Public Works Commission
Solid Waste Management Commission
Transportation Commission
Use Standards & Evaluation Advisory Committee
Waterfront Commission
West Berkeley Project Area Commission
Youth Commission
Zoning Adjustments Board

This Resolution No. 46,721-N.S. shall apply only to Council appointed boards, commissions and committees, and members of committees, temporary task forces and joint subcommittees established by Council where the membership is composed of Council appointed board/commission members. Payments in lieu of expenses for other than members of Council appointed boards, commissions and committees shall be addressed as part of the Council's budgetary process.

The Human Welfare and Community Action Commission provides for alternate representatives of the poor to be elected or to be appointed when a vacancy occurs. Alternate representatives of the poor shall be eligible for stipend payments when serving in place of the principal member.

Section 2. FINANCIAL LIMITATIONS.

Those eligible members whose individual income or incomes as filed jointly for Federal income tax purposes are below \$20,000 per year shall be entitled to receive payments as set forth in Section 5 of this resolution.

When a member becomes aware that his or her yearly income has or will exceed \$20,000, that member shall immediately notify the secretary of the board, commission or committee of which he or she is a member, of this fact and request that his or her eligibility to receive payments be cancelled.

When an eligible member of any board, commission or committee whose income for the preceding year was more than \$20,000 finds that his or her income for the current year will be below \$20,000, he or she may file a certified declaration with the secretary of the board, commission or committee describing the general circumstances which have occurred which resulted in the lower income. Such certified declaration shall make the person again eligible for payments.

Section 3. STATEMENT OF ELIGIBILITY.

Those board, commission and committee members desiring said payments shall file annually with the secretary of the board, commission and committee, a statement certifying that his or her income for the preceding year was below the limits specified in Section 2.

Section 4. QUALIFICATION FOR DISABLED SUPPORT.

Eligible members who are disabled and whose incomes fall within the limitations set forth in Section 2 of this resolution qualify for reimbursement for the costs of readers to help in reviewing written materials in the board, commission, or committee packets, for attendants to accompany members to meetings, and other support costs that are required in order to allow such disabled members to participate fully in board, commission and committee deliberations.

Disabled board, commission and committee members desiring reimbursement for these costs will file in addition to the statement of eligibility set forth in Section 3, a statement with the secretary of the board, commission or committee that certifies the support services that the member requires in order to participate fully. If the member's needs change, he/she will immediately notify the secretary of the board, commission or committee of which he or she is a member. Otherwise, the statement certifying the need for support services will continue to be in effect for the duration of the board, commission, or committee member's term of appointment.

Section 5. REIMBURSEMENT LIMITS.

Eligible members are authorized to receive \$20.00 for each official meeting attended, not to exceed two meetings each month, and to receive reimbursement for actual child care expenses incurred by a member while he or she attends meetings, upon presentation of a receipt signed by the child care provider, and to receive reimbursement for actual expenses incurred by a member who must employ a paid attendant to provide care for a dependent elderly person while he or she attends meetings, upon presentation of a receipt signed by the person providing such care, and to receive reimbursement for actual expenses incurred by a disabled member who requires support services in order to participate fully in board, commission or committee meetings, upon presentation of a receipt signed by the person providing such support services.

Section 6. CLAIMS.

Claim for reimbursement in lieu of actual expenses paid or incurred shall be filed with the secretary of the board, commission or committee. Said secretary shall process the claim for payment pursuant to procedures prescribed by the City Manager and the City Auditor.

Section 7. REIMBURSEMENTS FOR MEMBERS OF THE COMMUNITY HEALTH COMMISSION.

Reimbursements for members of the Community Health Commission shall be made in the following manner; provided, however, that the total reimbursement for all costs incurred by all members for all expenses in a fiscal year shall not exceed \$500.00:

a. Any trip or meeting requiring reimbursement shall receive prior approval of the board;

b. Any trip or meeting requiring reimbursement which would require participant(s) to stay overnight or travel more than 50 miles shall require the additional prior approval of the City Council;

c. Reimbursement shall be made for actual expenses incurred for child care or for the employment of a paid attendant to provide care for a dependent elderly person for members whose income is below \$20,000 per year (same as City criteria) while he or she attends meetings; and

d. Reimbursement rates and conditions for travel, meals and lodging shall be as set forth in the City's Administrative Regulation on meeting and travel expenses.

In effect: July 25, 1974

Revised to: 10/1/91

"EXCERPT FROM BERKELEY MUNICIPAL CODE"

**3.02.040 Limiting the number of terms
commissioners may serve con-
secutively.**

Commissioners shall serve not more than eight consecutive years on a commission, notwithstanding interruption of service due to the following:

- A. Absence from the commission due to termination pursuant to Berkeley Municipal Code Section 3.02.030;
- B. Absence from the commission due to any leave(s) of absence pursuant to Berkeley Municipal Code Section 3.02.030;
- C. Absence from the commission due to termination pursuant to the provisions of Resolution No. 51, 425-N.S., Conflict of Interest Code, for failure to file the required Statement of Economic Interests, and subsequent re-appointment.

Termination of appointment pursuant to this section shall be eight years from the date of the initial appointment.

This provision shall become effective December 1, 1990, and shall apply to all appointments made on or after that date.

(Ord. 6009-NS § 1, 1990.)

SAMPLES OF BOARD/COMMISSION AGENDA/MINUTES

The attached samples of Board/Commission Agenda and Minutes are included in the appendix to provide an example of the elements to be included in each.

Chapter IV, Sections E and F include in detail the elements of each document.

One thing to keep in mind when preparing an agenda is to put yourself in the place of a member of the public who is coming to a meeting for the first time. It is imperative that you provide enough information so that a citizen can determine exactly what is going to be discussed.

The location of the meeting must also be very clear, and all meeting sites must be wheelchair accessible. If your commission does not have its own stationery and you use your department stationery or plain paper the address on the letterhead may not be the location of the meeting. Identify the location of the meeting and place the wheelchair accessible emblem on the agenda.

You should not consider items not listed on the agenda. In addition, listing an item on an agenda such as "North Waterfront Park" without indicating just what you will be discussing regarding North Waterfront Park would be an inadequate agenda title.

It is hoped that this information will be helpful to you as a guide to preparing these documents.



City of Berkeley



Department of Public Works
Parks/Marina Division
201 University Avenue
Berkeley, California 94710
Telecommunications Device for the Deaf (415) 644-6915

(415) 644-6371

AGENDA NORTH WATERFRONT COMMISSION

DATE: Monday, June 9, 1991
TIME: 7:00 p.m.
PLACE: NORTH BERKELEY SENIOR CENTER, 1901 Hearst Avenue

1. Roll Call
2. Public Comments
3. Approval of Minutes: May 5, 1991*
4. Old Business:
 - a. Secretary Report, regarding new location of commission meetings(Oral report/possible action)
5. New Business:
 - a. Discussion/Action regarding written communication received from the Transportation Commission to meet jointly to discuss/submit written recommendations to the City Council regarding the Draft EIR on the South Berkeley Area Plan*
 - b. Election of new Officers
6. Adjournment

*Copies enclosed with packet delivery

**Copies enclosed, for Commission members only

COMMUNICATION ACCESS INFORMATION

"To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call the City Clerk's Office at 644-6480(Voice) or 644-6915(TDD); at least **FIVE (5) WORKING DAYS NOTICE PRIOR TO THE MEETING** will insure availability. If you plan to attend the meeting and wish to use an Assistive listening device for the hearing impaired you need to reserve the device by calling the City Clerk office one (1) working day prior to the meeting."



U.C. BERKELEY LIBRARIES



C124916298

